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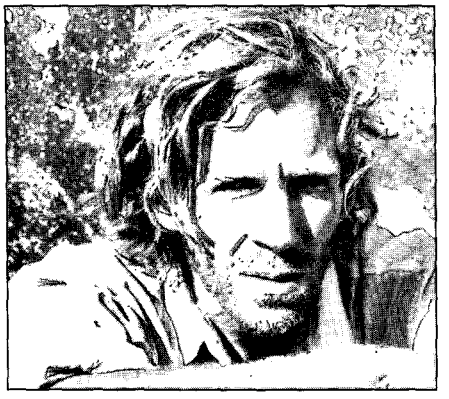

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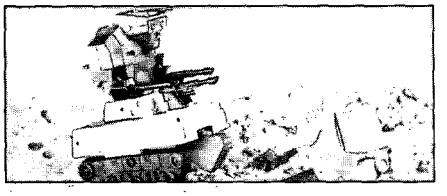

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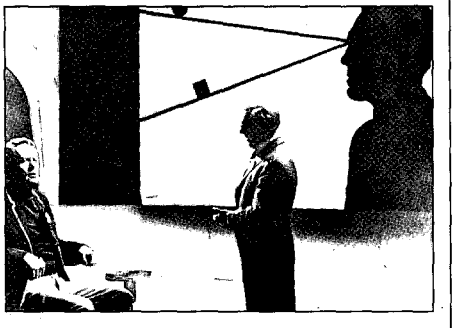

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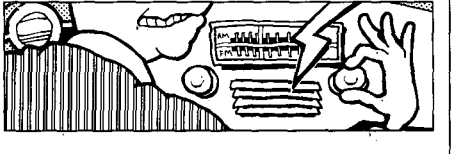

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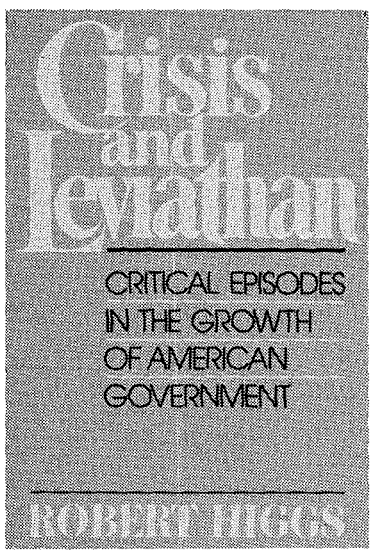

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upfront

The Solution Catches On

Tupperware-style parties. Catchy bumper stickers. Autograph-seeking fans. A write-up in *Time* magazine.

Mary Kay gone rock-and-roll?

Nope, it's Leon Louw and Frances Kendall, the South African authors whose proposal for replacing apartheid with a radically decentralized cantonal system was featured in REASON's January issue. (Louw is REASON's South African correspondent.)

More than a year after publication of the English edition of their book *South Africa: The Solution*, it remains number one on the South African bestseller list and has sold an unheard-of 30,000 copies—this in a country where sales of 5,000 will win a bestseller spot. Afrikaners, who don't usually buy many books, have purchased more than 5,000 copies in their native tongue, and the book is being translated into the country's eight tribal languages.

Abroad, *The Solution* is attracting diverse media attention. U.S. publications from *Time* to the *Wall Street Journal* and *National Review* to the "Green" newsletter *New Options* have featured Kendall and Louw's ideas.

At home, they've become part of the general debate. South African cars are sprouting bumper stickers that declare "I'm part of the Solution" in English and Afrikaans. "Solution parties," where guests talk about (and buy) the book, have brought the Mary Kay touch to political discussions. Leon Louw, in particular, has become a bit of a celebrity, stopped on trains and planes and asked to autograph the book.

The Solution has received wide support from black leaders and from business. Winnie Mandela, wife of imprisoned African National Congress leader Nelson Mandela, has not only endorsed the book but also written a forward to the Swedish edition. KwaZulu chief minister Gatsha Buthelezi, reports *Time*, has said, "Amid a sea of anger and tension, *The Solution* may prove to be a rational, workable answer to South Africa's unique problems." And Sam Motsuenyane, head of the country's leading black business association, sits on the board of trustees of Groundswell, a foundation established by Kendall and Louw to promote their ideas.

Groundswell has also garnered support from leading corporations. The chief executive of Toyota South Africa is a Groundswell board member, and several companies, including the huge Anglo American Corp., have contributed money. A major advertising agency is donating its services to produce TV, radio, and newspaper ads.

White politicians have been fairly reticent, although that may be more a sign of coyness than lack of support. Characteristically tepid endorsements include the statement by Minister of Transport Eli Louw (no relation) that the book is "worthwhile reading for those dealing with the future of our country." But one candidate for Parliament, not endorsed by the authors, has declared the Solution his platform. And four political parties, ranging from conservative to socialist/liberal, have asked Leon Louw to run for office.

Louw and Kendall have shunned politics, however, preferring to concentrate on generating grassroots support for their ideas. Groundswell has launched a campaign to raise $15 million for a two-year educational program to get the message out to not only city dwellers but also rural blacks, who are difficult (and expensive) to reach because they speak eight different languages and don't usually own TV sets or know how to read.

Changing South Africans' assumptions about their future is a daunting task. Changing the rest of the world's assumptions may be even harder. But the Louws' dogged idealism has already managed to inject a measure of hope and freedom into a usually dreary debate and to offer a solution that doesn't depend on violence. That itself is a remarkable achievement.

—Virginia I. Postrel

The Culture of FREEDOM

Libertarian Presidential Nominating Convention
Seattle Sheraton Hotel September 2, 3, 4, 5, 6, 1987

On September 3rd to 6th hundreds of Libertarians will gather in beautiful downtown Seattle for the 1987 Libertarian National Convention. The thinking is growing that this will be the most exciting convention the LP has yet had.

Already two important public figures have announced they would seek the Libertarian nomination for President. They are **Ron Paul**, a former GOP congressman from Texas, and **Russell Means**, the outspoken advocate of Indian sovereignty. Both have abandoned bipartisan politics to join the fight for liberty as Libertarians. The choice of either Means or Paul as LP standard bearer, men with two very different approaches and constituencies, will indicate a clear preference in strategy by Libertarians.

The excitement won't all be on the convention floor however. We have planned a full program of speakers, panels, and social, art, and entertainment events beginning on the 2nd. We are calling it **The Culture of Freedom.** The occasion will be both memorable and historic.

Don't miss out on a chance to enjoy a week of pure liberty, and be a witness to history in the making!

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The Sheraton Hotel and Towers is located in the heart of downtown Seattle. For room reservations call the national reservation network toll free at 1-800-325-3535 or call the hotel direct at (206) 621-9000. Mention the Libertarian Convention.

Convention committees will begin meeting on Sept. 1st. Meal functions will include four breakfasts, the Presidential Banquet, and the evening cruise. Exhibits will be open to the public. The Culture of Freedom program is still being finalized. Watch for a special convention tabloid with detailed information on scheduling and programming. Please disregard higher package prices announced in previous advertisements. For up to the minute information call our Convention Message Line: 329-5669.

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letters

Blame That Tune

Leo N. Miletich ("Rock Me with a Steady Roll," March) obviously has a sense of humor. However, his sense of reason seems to have abandoned him. Parallels drawn between the lyrics of Bessie Smith and Pat Boone and those of some recent heavy metal groups are as ludicrous as comparing Coca-Cola to cocaine.

Censors we are not. We are simply asking the recording industry to provide consumers with full information about the contents of a product before it is bought.

In a truly free market, every individual is given the opportunity to think for himself or herself. That is not the case today. Million-dollar record companies with million-dollar ad campaigns aimed at adolescents are doing the thinking for parents.

The Parents' Music Resource Center is not in existence to tell musicians what kind of music they should create or to tell children what kind of music they should listen to. Rather, we are here to ask the music industry to allow people to make their own decisions by giving them the information they need to do so.

This issue is not about ratings or censorship or legislation or religion. This issue is about children. By promoting awareness of explicit themes in music and television, we hope that parents will understand that it is up to them to teach their children to think critically so they will be unaffected by what artists and performers advocate.

Tipper Gore
Parents' Music Resource Center
Arlington, VA

AS DANGEROUS AS THE saber-rattling fundamentalists and would-be censors are, they do not operate in a vacuum. The music industry trade group, the Recording Industry Association of America (RIAA), allegedly has cooperated with the censorship-minded PMRC by wimpishly agreeing to put warning labels on "offensive" records.

Why? The RIAA cannot afford to offend anyone, especially the PMRC, which is made up of senators' wives, as it needs broad, bipartisan support in order to get Congress to pass a home taping bill.

If the RIAA and industry bigwigs get their way, DAT (digital audio tape, a Japanese invention said to be superior to compact discs in sound quality) will never be introduced in this country. DAT allows the consumer to enjoy digital sound quality *and* to record as on a traditional cassette.

The RIAA would also like a hefty tax on all blank tapes and for dubbing decks (cassette recorder/players which can make copies of tapes) to be outlawed. What they fail to realize is that each innovation in the presentation of music only serves to increase the audience. Yes, most consumers do make copies of records and tapes but, as with Xeroxes of magazine articles or videocassettes of TV shows and films, it is generally for personal use. The Supreme Court has stood by this use of copying equipment.

Even though the home taping bill is supported by people who, on other issues, might be called liberals, the effect of such a measure would be increased government control of technology and the arts. I'm sure Jimmy Swaggart, Oral Roberts, and all their Bible-thumping friends wouldn't want it any other way.

Cary G. Darling
BAM (Bay Area Music) Magazine
Oakland, CA

LOOKING AT MY ALBUM COLLECTION, I realize that I own some music that is discriminated against. While I have heard much of what I own (Billy Joel, Jethro Tull, Dire Straits, Phil Collins, Pink Floyd, etc., etc.) on local radio stations, they seem to never play Petra, Steve Taylor, Mylon LeFevre, Leon Patillo, Kerry Livgren, etc., etc.

Kerry Livgren was a member of the group Kansas. John Schlitt was a lead vocalist for Head East before becoming lead vocalist for Petra. Leon Patillo was a member of Santana. When these people started writing and performing songs from a Christian perspective, they did not instantly lose their talent. Nor did they start

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letters

writing the style of music one would hear on "The Lawrence Welk Show."

I find it interesting that I can be called a censor for wanting to be able to read the lyrics on an album or tape I wish to purchase for my daughter while no one complains when stations seem unwilling to play rock songs that have a "Christian flavor."

Kent Weaver
Sarasota, FL

Nicaragua or Not

Robert W. Poole remarks ("The Real Issue Is Nicaragua," Editorial, April) that the Sandinista regime's violation of human rights, though disturbing to those who value human liberty, "does not justify U.S. government efforts to overthrow the Sandinistas." But *justify* is ambiguous.

Any government is morally justified in helping free a people from rights-violating oppressors like the Sandinistas. This means that it is permissible, in the sense that there is no obligation to let the Sandinistas keep abusing the Nicaraguan people.

But not everything permissible is worth doing. So there is a second sense of *justify* which involves showing that the act to be justified is in the interest of the acting agent. Poole thinks that freeing the Nicaraguans is not in our interest unless leaving the Sandinistas in power "is a clear threat to the survival of the United States as a free society."

This is too high a standard. Benevolence can, for those who love the good and take pleasure in the presence of human decency, be a motive that leads us to aid an oppressed group of non-American innocents. We might be further motivated by the hope that, given free institutions, those people could develop into more advanced trading partners, making all our lives better.

Either of these good motives would have supported similar action to free the Jews from Hitler or the Ukrainians from Stalin. If Poole's standard were to be employed, a free people could never have taken up arms against the evil of a Hitler without first ascertaining that his evil was directed against their national institutions.

A difficulty today is that governments finance activities with taxes. But government activity should be financed voluntarily, and within that constraint, government should have the power to undertake actions to make the world a place in which

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Psycholinguist Suzette Haden Elgin has presented her innovative self-defense principles in a variety of formats. She has given workshops and seminars all over the U.S., including verbal self-defense sessions for doctors, lawyers, and other professionals. Dr. Elgin has also created a self-defense tape and a training manual for people who teach her self-defense techniques.

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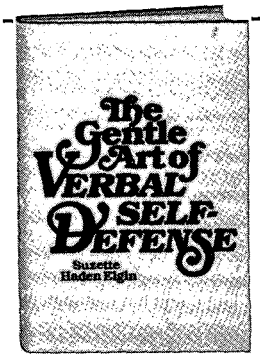

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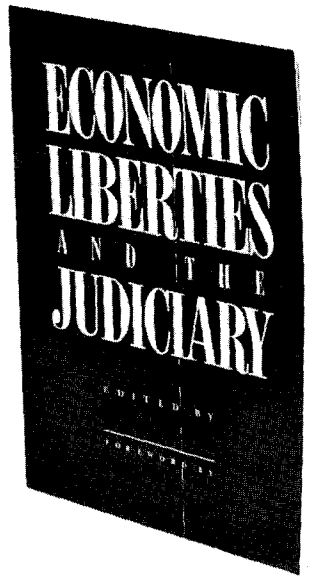

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letters

human rights are respected. Doing so can make the world more a place of liberty and personal respect. Doing so is sometimes permissible and in our own interest, because the more the world is that way, the more it is our world—the world of free, rights-possessing people.

J. Roger Lee
Los Angeles, CA

IT IS IRONIC that in a magazine running a series on the Constitution, Robert Poole's recent editorial on ContraGate failed to address this aspect of the matter. The real issue is not how and when the "Reagan Doctrine" of supporting anticommunist insurgencies should be applied, but whether any such interventionist meddling is appropriate under our form of government.

Repeal of the Neutrality Laws (not mentioned in the editorial) would allow private efforts to aid pro-freedom forces. Unfortunately, the Colonel North imbroglio has tainted the notion of private aid with the odor of illegal efforts to circumvent congressional restrictions on government aid.

Friends of the *contras* need to recognize that Congress, empowered by the Constitution to deliberate these matters, has several times concluded that the Nicaraguan situation does not warrant warlike efforts to overthrow that government. Likewise, the State Department is empowered to conduct foreign policy and the Defense Department, upon act of Congress declaring war, is supposed to do the fighting for this country when paid with tax dollars.

This system, while certainly imperfect, was intended to make going to war very difficult and only under very clear circumstances of danger to the nation. While the Soviet Union and other nations may act in ways that we oppose morally and politically, overthrowing governments and subsidizing guerrillas with tax dollars should only occur with very clear constitutionally sanctioned mandates.

Mike Holmes
American Libertarian
Katy, TX

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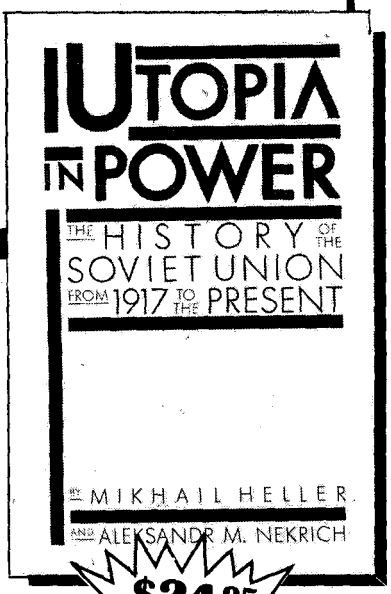

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Fair Trade Frenzy

Marty Zupan

All of Washington is now hell-bent on protectionism. The ill consequences are sure to be profound and painful.

Congress has threatened to pass tough trade legislation almost since President Reagan took office. "Mr. Free Trade" has responded with an escalating barrage of his own protectionist measures. At each turn, Reagan winks at dismayed free-market champions and whispers that he is only throwing a bone to keep a yelping Congress at bay.

As strategies go, this is a poor one. Congress caught on pretty quickly that barking and braying about the evil of imports works. With Reagan's move against Japanese semiconductors last summer, followed up with a 100 percent tariff on some Japanese electronic products in March, protectionists in Congress smell victory and are moving in for the kill. In late April, in a week dominated by see-who-can-be-tougher-on-trade talk in Washington, the House passed legislation with an amendment by Rep. Richard Gephardt (D-Mo.) that would require the president to slap tariffs and import quotas on any country running a large trade surplus with the United States (read: Japan). The Senate was to submit its own "tough" bill in short order.

And the size of the protectionist pack is growing. Without Reagan's leadership, long-time Republican free-traders are defecting. Said Rep. Bill Frenzel (Minn.), explaining why he helped the Democrats get a trade bill before the House: "I've changed. Free-traders are getting run out of town." Now, Frenzel is positively panting for an antitrade bill, fretting that inclusion of the Gephardt amendment might doom trade "reform" in this session of Congress.

With an eye on the much-feared trade deficit, the new watchword of the protectionists is "fair trade," or as Reagan said to Japanese Prime Minister Nakasone when he visited Washington, trade "flowing equitably between our peoples." Was trade, then, *un*fair and *in*equitable when the United States was running a trade surplus?

The fact is that international trade accounts, long downplayed by economists, are increasingly irrelevant and even deceptive in today's global economy. Consider last year's $58-billion U.S.-Japan trade deficit, which is supposed to show how much more of their stuff we bought than they bought of ours. But goods made by Japan-based affiliates of U.S. companies are counted in a strange way: if the goods are shipped here, they're lumped in with *Japanese exports*, and if they're sold to Japanese they don't count at all.

This may not seem very important, but in fact U.S. firms that have been successful at cracking Japan's market have tended to do it from within. By 1985, U.S. companies produced and sold in Japan goods worth more than the entire U.S. "trade deficit" with that country—$53.1 billion versus $49.7 billion. Why are we even *looking* at the balance of trade?

America's trade deficit with Japan is about the same percentage of its total trade deficit as it was in 1980. True, the total deficit went from $39.1 billion in 1981 to $166 billion last year. But the U.S. economy grew 43 percent faster than West Germany's or Japan's from 1982 to 1986. Nor was all this growth in the "low-level service sector"—manufacturing output was up by 30 percent. And the number of jobs climbed from 101.2 million to 111.3 million. The trade deficit hardly seems to be a sign of economic weakness.

Even if the deficit did matter, there is wide agreement that very little of it can be attributed to our trading partners' barriers against U.S. imports—the supposed source of the problem and the reason for threatening tariffs and quotas of our own. Estimates of how much would be lopped off the U.S.-Japan deficit if Japan were to drop all its trade barriers range from a low of $6 billion to a high of $15 billion—at best, 25 percent of the current imbalance. In contrast, it's been estimated that *we* could cut 50 percent by eliminating just two of our own export controls, on Alaskan oil and national-forest timber. So much for scapegoating Japan.

The worst part of the protectionist frenzy that has seized Washington is that retaliation against trade practices that we perceive to be unfair is self-destructive. Japan does use tariff and nontariff barriers to protect some domestic industries against foreign competition. But should we shoot ourselves in the foot to fight it?

Should we force consumers to pay more for Japanese products they obviously want? That's what we do with tariffs and quotas already in place—to the tune of $55 billion in 1985. Should we protect some industries (such as semiconductors) at the expense of others (such as computers)? That's what last year's price-fixing semiconductor accord does—memory chips account for about one-third the cost of making a personal computer. Should we risk a trade war, jeopardizing the thriving trade we already do have with the Japanese? Last year the Japanese spent $27 billion on goods made in America, including $5 billion on agricultural products.

The consequences of protectionist retaliation don't sound very fair at all. Free trade *is* fair trade. It's fair to consumers, it doesn't single out some of our workers and businesses for special treatment, and it plays honest with our trading partners, who, after all, don't owe us anything. Trying to coerce them in the name of "fairness" is unfair—and unfree. We shouldn't stamp protectionism "made in America."

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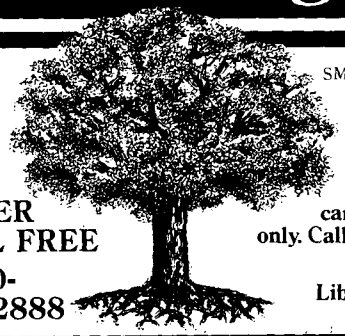

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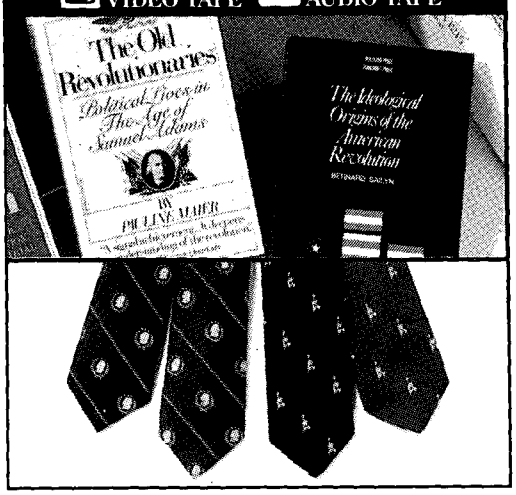
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brickbats

Let's hear it for the American public education establishment. A nationwide survey of high-school students shows what billions of taxpayers' dollars have gotten us. Almost 30 percent of the 1,000 students questioned said the president most closely associated with the Vietnam war was Franklin D. Roosevelt; 10 percent said Jimmy Carter. One in nine students thought Joseph Stalin was a French leader, and 10 percent believed British actor Peter Ustinov had a major role in the Russian Revolution of 1917. Simple mistake. They must've gotten him confused with Warren Beatty.

Squash the jamboree? Maybe it's time for a new voting rights campaign for the South. Georgia state officials won't have to count write-in votes for Mickey Mouse and other nonexistent candidates anymore, thanks to a new law signed by Gov. Joe Frank Harris. Write-in votes will no longer be counted for any candidate who fails to announce his candidacy at least 20 days before the election. Why? Because we don't like you.

Political cartoonists in "democratic" India had better beware. Magazine editor S. Balasubramanian was sentenced to three months of hard labor for publishing a cartoon depicting government officials as bandits and pickpockets. He refused to apologize to angry members of the Tamil Nadu State Assembly, who have the power to act as a court. "Only people with a troubled conscience will get angry" at the cartoon, says the editor. "Others will simply laugh away the whole matter."

The Defense Department isn't the only federal agency that knows how to throw money away. The State Department is replacing 156,000 pieces of silverware at U.S. embassies and consulates around the world because it wants one common pattern for the sterling, rather than the four presently being used. And how much is the department forking over to replace the silverware? Just a mere $2 million. Rep. Jack Brooks (D-Tex.) has a few cutting remarks about the idea. He plans to hold hearings to find out why diplomats need new silverware at a time when budget deficits are soaring and the Reagan administration is requesting billions of dollars to protect American officials abroad from terrorist attacks. Representatives from the State Department and the General Accounting Office will testify.

Federal highway officials have ordered the Michigan highway department to document the effectiveness of new "smile" road signs. The yellow and black signs have a frown at the beginning of a construction area and become happier as the motorist approaches the end of the site. Drivers seem to like 'em, but the feds complained that the signs don't technically conform to the manual of uniform traffic devices. Try to keep smiling as your wallet gets lighter.

Looking for love in all the wrong places? A severe water shortage didn't stop Sri Lankan officials from putting a damper on love in public parks. Though the capital city of Colombo is under water rationing, with some areas cut off for up to 14 hours a day, the fire department dumped 5,000 gallons of cold water on young lovers in a city park to discourage "nefarious activities." The firemen aimed their hoses at shade trees and bushes, drenching dozens of couples as well as children and passers-by. Police have also been chasing "umbrella lovers" who kiss behind parasols. Several women with umbrellas have been detained for questioning.

A paper company wants to reopen a mill that until five years ago had been the largest employer in tiny Mechanic Falls, Maine. But state officials say the mill's discharge would make Little Androscroggin River too hot for brook trout. The discharge won't kill fish, admit the authorities, but it "would result in an area in the river where the fish would avoid, which by law should be available to the fish." No word yet on whether the trout will hire their own lawyers or depend on the ACLU to file on their behalf.

—Mark Edward Crane

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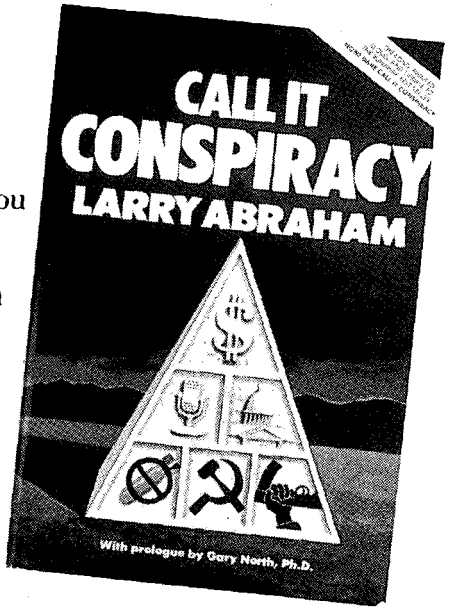

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trends

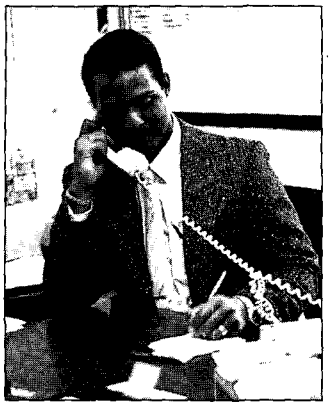
Benign Neglect for the State?

Independence of, even hostility to, government is a long, honorable, but hidden tradition among black Americans. Now the establishment, always the last to catch on to significant cultural trends, is dipping its bulky toe in nonstatist waters.

Black self-help was central to the thought of black leaders linked to the political left earlier in this century. From Marcus Garvey to Malcolm X to the early Black Panthers, a do-it-yourself, the hell-with-government ethos prevailed. Carrying that banner for the last decade or so have been a number of black intellectuals linked to the political right: economists Thomas Sowell and Walter Williams, political scientist Glenn Loury, lawyer and current head of the Equal Employment Opportunity Commission Clarence Thomas, and others.

As usual, the men and women in the middle of the road—a spot suitable only for "dead aardvarks," as Texas politician Jim Hightower says—have lagged behind. But now they may be catching up, as evidenced by the recent essay "Black Initiative and Governmental Responsibility," published by the respected D.C.-based black American "think tank," the Joint Center for Political Studies.

The essay was a group project of the JCPS's Committee on Policy for Racial Justice, chaired by ultra-establishment figures John Hope Franklin and Eleanor Holmes Norton. The lan-



guage of the essay illustrates the rapidly changing terms of debate in the black political world.

The committee, note Franklin and Norton, urges black Americans to "draw more explicitly and openly upon the extraordinarily rich and vibrant tradition of black values." At the same time, they want to "do more to mobilize and, in some instances, redirect the strong self-help tradition that is hard at work but too often hidden from public view."

Ten of the essay's 15 pages detail that "rich and vibrant" history of black self-help. A few excerpts hint at the pleasing and unusual flavor:

- "Blacks made the transition from a largely impoverished mass of former slaves to a strong, vibrant [love that word!] community largely through individual effort and...the work of civil rights, cultural, fraternal, religious, social, professional, and service organizations in the black community."
- Government action "has pushed to the background recognition of the long history and continuing efforts of progress through self-reliance."
- "Some of the problems blacks face cannot effectively be handled by government alone, as blacks know best of all."

And on and on in refreshing style, until the committee wimps out and begs for an oddly neoliberalish program of state action: rebuild crumbling infrastructure, more government day care, public employment, more money for training—you get the picture. Gary Hart in blackface.

But the conventional coda shouldn't obscure the strides the black establishment is making. The radicals who cleared the path of self-reliance, and the misnamed "conservatives" lighting it today, may soon be getting some very welcome fellow travelers.

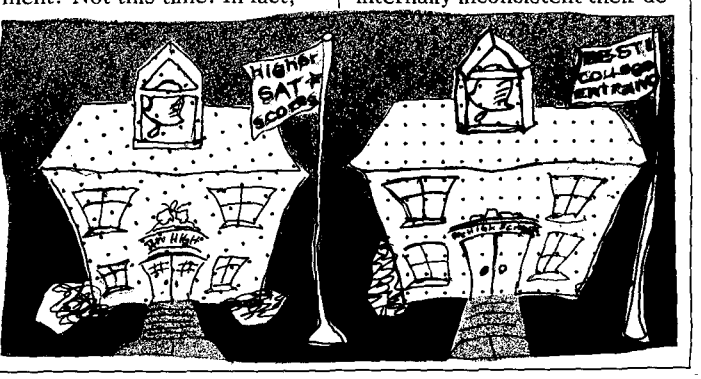
New Study Teaches Perils of Government-Run Schools

More homework, stricter graduation requirements, higher expectations for students, better-paid teachers—this slew of educational reforms is all the rage. But a recent study comparing public and private schools suggests that such reforms won't work.

Ah, another conservative critique of the education establishment? Not this time. In fact, the study comes from the generally liberal Brookings Institution. And the authors, acknowledging that it "may seem like heresy," actually suggest a radical alternative reform: transfer control of schools from the government to the market.

Political scientists John E. Chubb and Terry M. Moe, along with other scholars, surveyed nearly 500 public and private schools in an attempt to explain the finding of two previous studies: that private high schools promote substantially more learning—up to a year's worth—than do government-operated high schools. Based on their research, Chubb and Moe conclude that the most important determinant of school effectiveness isn't good teaching, high standards, or involved parents; instead, it's the environment in which schools operate. Public schools in a democracy are governed by democratic authority—and democratic politics. And that, say Chubb and Moe, is the problem.

Because public schools are controlled by a political process, they're obliged to respond to the needs of all their constituencies: citizens, school boards, teachers, administrators, politicians, and state and federal governments, "however diverse, difficult to meet, and internally inconsistent their de-



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mands might be." Private schools, by comparison, are governed by the market and thus have much clearer standards. They must, say Chubb and Moe, "please the immediate consumers of education services, students and parents," lest the clients take their business elsewhere.

Chubb and Moe found that private schools in fact typically have more control over the way they're run, are freer to choose the teachers and administrators they want, and generate more parental involvement than do public schools. For example, "tenure and unionization tend to settle the question of when and how the basic personnel decisions will be made in the public sector. They will be centralized. In the private sector, schools are largely free of such constraints and have far greater flexibility to choose their own members and chart their own paths."

Band-Aid reforms, conclude Chubb and Moe, won't help the government's school system, since public schools don't have to respond to the forces of the market. Because these schools have the illusion of being free, "and because most parents are neither wealthy enough nor obsessed enough with education to change their residence with changes in school quality, public schools have a semi-captive clientele with little choice but to patronize the local monopoly. This is particularly true of low-income citizens." Such schools are further sheltered from market forces by the fact that their revenue "comes from political authorities via taxation rather than from parents as a fee for services rendered."

Chubb and Moe don't claim to have the perfect cure for what ails our schools. But they're sure that genuine improvement would involve shifting control of the educational system from politicians to schools and their clients: the students and their parents. While they mention education vouchers as a possible way to effect that shift, their purpose is not to prescribe a particular solution but to show why moving in the market direction makes a whole lot of sense.

Who Will Design the Space Plane of the Future?

Last year's shuttle disaster finally broke the NASA mystique. Analysts are now willing to take a more critical look at how space transportation should be provided—and by whom. Two recent studies offer a case in point.

In the Winter 1987 issue of *Resources*, Molly K. Macauley of Resources for the Future points to the absence of sound economics in the way NASA ran the shuttle program. By subsidizing shuttle launches—in fact, charging users between one-fourth and one-half the true cost—the agency distorted launch customers' choices, observes Macauley. Subsidization led most users to choose the shuttle over expendable launch vehicles (ELVs) such as the Delta and Titan. Such predatory pricing nearly destroyed the ELV industry.

But the destructive effects of NASA's monopolizing behavior go much further, say space policy experts James Bennett and Phillip Salin. In a study by the Los Angeles–based Reason Foundation released in March,

global trends

Engine Engine Number 9, Closing Down Apartheid's Line

JAMBA—In a surprise move that is sure to confuse some of his critics, Angolan rebel leader Jonas Savimbi has offered to reopen the vital Benguela Railway. Although Savimbi is often dismissed as a puppet of the South African government, the *Los Angeles Times* reported that he made the offer "so that neighboring Zambia and Zaire can avoid shipping their mineral exports through South Africa and thus take a stronger stand against [the apartheid government in] Pretoria."

The Benguela Railway, which bisects Angola and terminates at the Atlantic Ocean, has been effectively closed by Savimbi's UNITA forces during the decade in which they have been fighting Angola's Marxist government. The practical effect of closing the 810-mile east-west route has been to force neighboring countries to depend on South African ports for their international trade.

***Jonas Savimbi at Angola's Benguela Railway:** Would a puppet propose reopening it?*

Zambia, for instance, sends 65 percent of its exports and three-quarters of its imports through South Africa. If the Benguela Railway is opened, most of that trade will be diverted to Angola.

Zaire is in a similar situation. Access to Angolan ports, and concomitant independence from South Africa, will enable the black African states to assert more vigorously their opposition to South Africa and its system of government-enforced racism known as apartheid.

Savimbi is also willing to let the Angolan government resume traffic on the line, subject to international inspection to ensure that military supplies are not being shipped. Opening the railway is expected to spur the Angolan mining industry.

If the Angolan government accepts Savimbi's offer, speculates the *Times*, it could result in a "truce and even a cooperative relationship." At press time, the South African foreign ministry had no comment.

Global Roundup

■ *Useful bureaucrat?* The traditionally statist Canadian province of Quebec, prodded by its ruling Liberal Party, has sold eight government enterprises over the last year, including an airline and a gold mine, and is planning further divestments, according to Minister of Privatization Pierre Fortier.

■ *The state of crude.* President Cory Aquino's People Power government in the Philippines appears ready to sell off some operations of elephantine Philippine National Oil Co. to the private sector. On the block is 65 percent of Petron, consisting of 900 gas stations and a refinery. British Petroleum, Elf Aquitaine, and Kuwait Petroleum are the leading prospective buyers.

JACK WHEELER

Bennett and Salin draw a telling comparison between the evolution of aircraft design and that of space launch vehicles. (In addition to its research activities, the Reason Foundation is publisher of REASON.)

The former has been characterized by a process of trial-and-error evolution, by numerous competing companies. Over time, this incremental approach has led to innovation after innovation, with steady improvements in performance versus cost. That approach produced reliable, economical workhorse aircraft such as the DC-3 and the 727. By contrast, NASA's monolithic "I'm in charge here" approach has produced only three generations of launch vehicles in 30 years, all of them virtual one-of-a-kind, extremely high-cost models. In spite of the cost-reducing effects of technology seen throughout the economy in the past 20 years, NASA's third generation (the shuttle) actually has a higher cost per pound launched into orbit than the second-generation Saturn V rocket.

The best way to ensure lower-cost access to space, say Bennett and Salin, is to foster a competitive transportation marketplace. And that means getting NASA out of the way, returning it to its limited role as an R&D agency. Among other things, the federal government should start purchasing launch services directly from private space transportation firms. And the feds must remove numerous regulatory barriers and provide equal access for private firms to existing launch sites.

Though NASA is trying mightily to restore its preeminent role, the private sector is beginning to assert itself. ELV makers are getting a lot of orders from commercial customers: McDonnell Douglas already has nine reservations for Delta launches from communications satellite firms, plus a number of Air Force contracts, and Martin Marietta has signed up eight customers for Titan launches. Start-up American Rocket Company expects its first launch before year-end and is talking with both commercial and military customer prospects for low-earth-orbit launches.

And it appears that federal policies are starting to follow the Bennett/Salin prescriptions. The Commerce Department's National Oceanographic and Atmospheric Administration has just announced that it will no longer be going to NASA to launch weather satellites; it now plans to buy launch services in the private sector. And Transportation Secretary Elizabeth Dole has told the Office of Management and Budget that NASA, which needs to supplement the shuttle with ELVs, should be required to purchase launch services, rather than buying the rockets and operating them itself.

With the private sector involved, perhaps the next generation of launch vehicles will give us a space DC-3 after all.

Driven to Drink?

It's Friday evening and you want to buy a six-pack of Bud. So you stop at the corner gas station, where you fill 'er up and pop into the convenience store to buy your brew. But the store doesn't have any. To discourage drunk driving, your town has passed a law prohibiting gas station convenience stores from selling beer and

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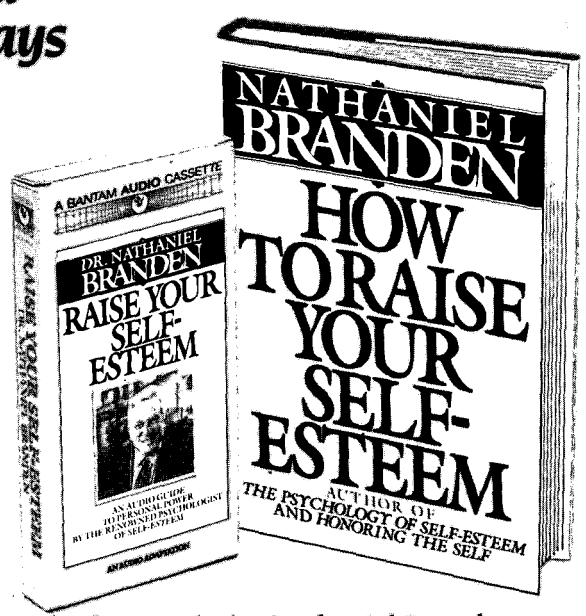
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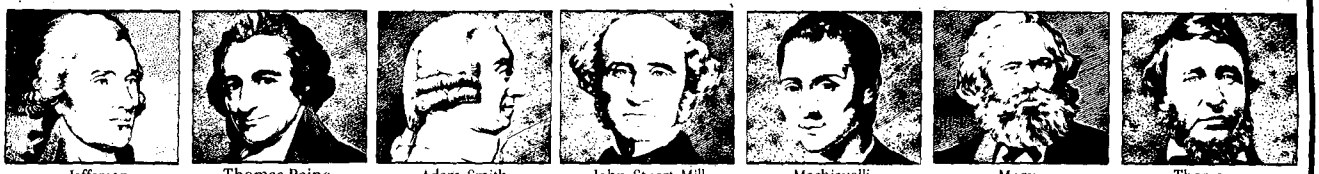

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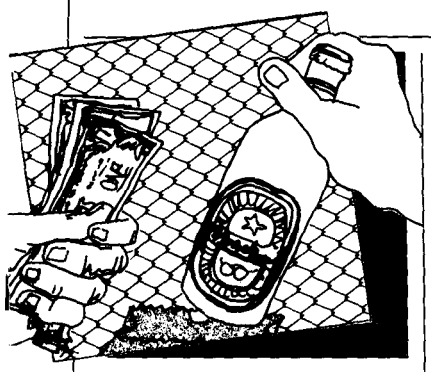

wine. Your local bureaucrats, however, may be in for a surprise: recent research indicates that such a ban is likely to *increase* drunk driving.

Economists Patrick McCarthy and John Umbeck of Purdue University have researched the effectiveness of banning common-site sales of alcohol and gasoline as a way to control drunk driving. They analyzed over 400 cities in California, comparing alcohol-related accident rates in cities that have banned such sales (over 70) with those that haven't. "In virtually every test," reports the journal *Regulation*, "cities with bans were found to have experienced an increase in the incidence of alcohol related accidents after imposing the ban." The effect was small but "statistically significant."

What's going on? For one thing, prohibiting people from buying beer or wine at gas station convenience stores, which are often located near residential areas, apartment complexes, and college dorms, means people have to drive elsewhere, often farther away and sometimes to higher-traffic nonresidential areas. So if they're going to drink and drive, they'll be on the road for a longer time to do it. In addition, if packaged beer and wine is less convenient to obtain, people may drink in bars—then drive home—rather than drink at home.

Florida, Michigan, Indiana, Louisiana, and Ohio have recently considered adopting the ban. In light of these findings, they ought to reconsider mandating a cure that could make the disease worse.

Milestones

■ *Seeing the light of day.* The Supreme Court has ruled that states may not regulate cable programs that aren't legally "obscene." Ten other states joined Utah, which had passed a law banning sexually explicit cable TV programs between the hours of 7:00 A.M. and midnight, in appealing a lower court decision which said such laws violate the First Amendment; but the Supreme Court refused to hear their plea.

■ *Bang-up survey.* Ninety-one percent of police officers surveyed think that banning or severely restricting gun ownership would *not* reduce gun-related crimes. Conducted by two police groups, the national survey also revealed that 91 percent of officers wouldn't be willing to turn in their own guns upon retirement, even if such ownership were banned.

■ *No Charles Manson, she.* Sydney Biddle Barrows, the "Mayflower Madam" of a million-dollar call-girl service, may keep the profits from her best-selling autobiography and movie. The New York Supreme Court ruled that the "Son of Sam" law, which prohibits criminals from profiting from their stories, doesn't apply to Barrows because promoting prostitution is a "victimless crime."

—Robert W. Poole, Jr., Lucy Braun, Bill Kauffman, and Virginia I. Postrel

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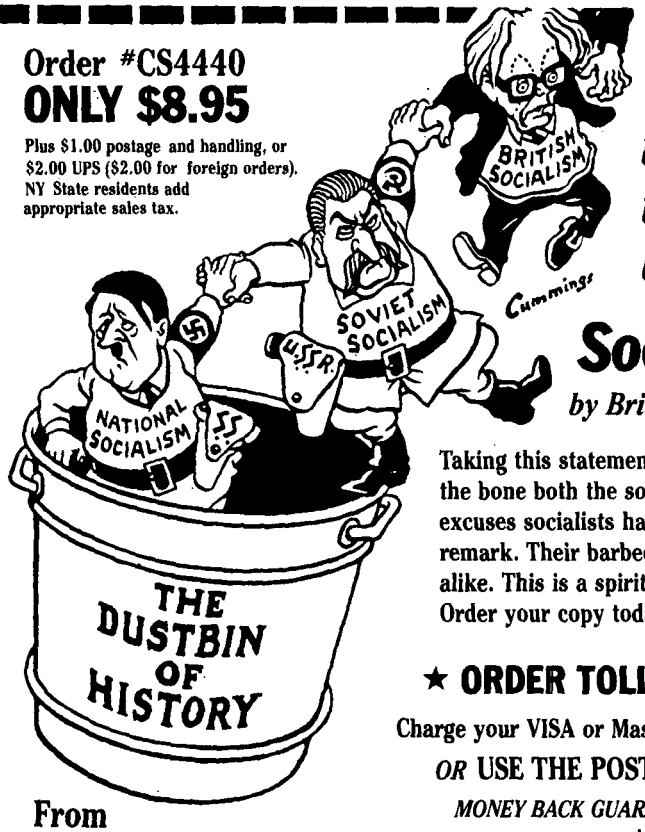

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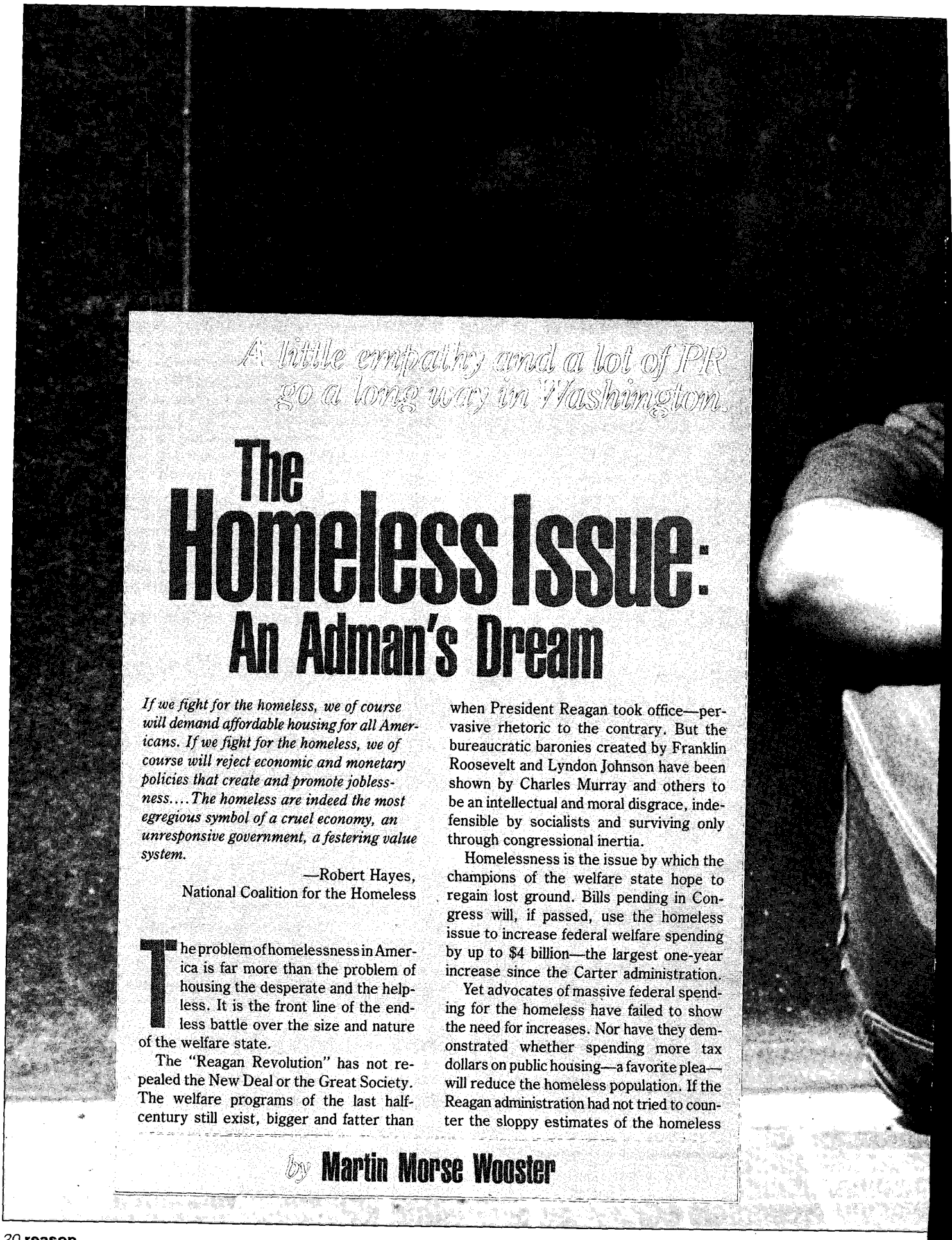


A little empathy and a lot of PR go a long way in Washington.

The Homeless Issue: An Adman's Dream

If we fight for the homeless, we of course will demand affordable housing for all Americans. If we fight for the homeless, we of course will reject economic and monetary policies that create and promote joblessness.... The homeless are indeed the most egregious symbol of a cruel economy, an unresponsive government, a festering value system.

—Robert Hayes,
National Coalition for the Homeless

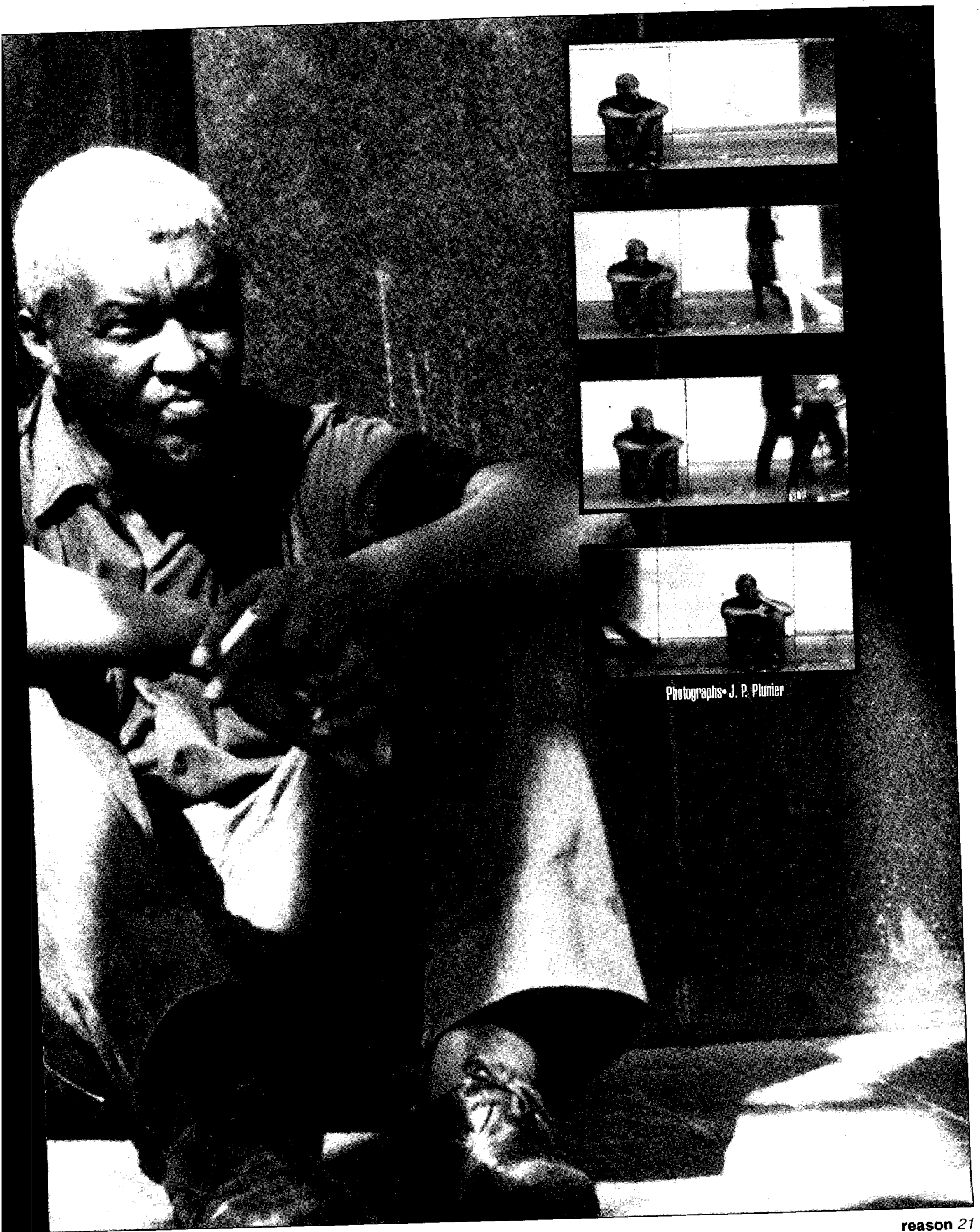
The problem of homelessness in America is far more than the problem of housing the desperate and the helpless. It is the front line of the endless battle over the size and nature of the welfare state.

The "Reagan Revolution" has not repealed the New Deal or the Great Society. The welfare programs of the last half-century still exist, bigger and fatter than when President Reagan took office—pervasive rhetoric to the contrary. But the bureaucratic baronies created by Franklin Roosevelt and Lyndon Johnson have been shown by Charles Murray and others to be an intellectual and moral disgrace, indefensible by socialists and surviving only through congressional inertia.

Homelessness is the issue by which the champions of the welfare state hope to regain lost ground. Bills pending in Congress will, if passed, use the homeless issue to increase federal welfare spending by up to $4 billion—the largest one-year increase since the Carter administration.

Yet advocates of massive federal spending for the homeless have failed to show the need for increases. Nor have they demonstrated whether spending more tax dollars on public housing—a favorite plea—will reduce the homeless population. If the Reagan administration had not tried to counter the sloppy estimates of the homeless

by **Martin Morse Wooster**



Photographs• J. P. Plunier

lobby with equally bad estimates of its own, one wonders whether the question of homelessness would have ever become a "crisis" to be solved by bloating the welfare state.

Ten years ago there were homeless in America. Twenty years ago there were homeless. How is it that in the 1980s there is a *homeless crisis*? A close look at what statistics there are reveals that nobody really knows how much—or even whether—the number of homeless is increasing (more on this later). A little more looking, and it becomes clear that homelessness has become an issue in American life largely because of the efforts of two charismatic lobbyists—a Washington adman and a New York City lawyer.

In late 1978, Robert Hayes, an associate at the Wall Street firm of Sullivan and Cromwell, was walking to the subway when he noticed "bums...begging for handouts." He began to talk to the homeless and visit shelters. Appalled by what he found, he resolved to do something. Being a lawyer, he resolved to file a class-action lawsuit. He got Robert Callahan, a former short-order cook he'd met in the Bowery, to agree to be the plaintiff. In October 1979, Hayes sued New York Mayor Edward Koch and New York Governor Hugh Carey to compel the city and state government to provide shelter for the homeless.

In December 1979, New York's supreme court granted a preliminary injunction in *Callahan* v. *Carey* in favor of Callahan—and Hayes. New York City residents now had a "right to shelter"; the court ordered New York City to provide food, shelter, and showers to any resident. Shelters also had to be large enough so that no homeless person has to be bused from one shelter to another.

Callahan v. *Carey* has been a costly decision for New York City's taxpayers. In 1978, the city budgeted $6.8 million for the homeless; by 1983, the figure had risen to $38 million. (While the numbers of people using the shelters rose from about 600 in 1978 to 4,235 in 1983, whether the rise was due to an increase in homelessness or whether people left temporary housing for free beds and food is a question intensely debated by sociologists.)

Hayes spent two years arguing with New York City's lawyers over the precise details of implementing the *Callahan* decision. He also began his courtship of the media; demonstrations at the 1980 Democratic National Convention won him an interview on NBC's "Today" show.

"When people called the show and asked where they could send contributions," Hayes later told *Esquire*, "we had to have an organization, so we formed the coalition." By 1981 Hayes's group, the Coalition for the Homeless, was ready to go nationwide. Soon it was the *National* Coalition for the Homeless.

While Hayes was fencing with New York City lawyers, Mitch Snyder was beginning to acquire his notoriety. Snyder was an adman who, in the early 1970s, founded the Community for Creative Non-Violence (CCNV), a Washington, D.C., commune dedicated to opposing the Vietnam war. Snyder widened his range in the late '70s, engaging in a series of hunger strikes and demonstrations (usually "tent cities") in Lafayette Park, across the street from the White House. While some of these strikes were antiwar, an increasing number were devoted to the homeless.

Snyder began to acquire a local reputation as an expert on homelessness. If he had lived in Los Angeles or Philadelphia, the state legislature would have asked to hear him; but because he lived in Washington, Snyder was asked to testify before the D.C. equivalent of a statehouse—the House District Committee. The congressional committee asked Snyder and his associates at CCNV to compile an estimate of the number of homeless people in the United States.

In December 1980, Snyder delivered his report. There were, he declared, 2.2 million homeless Americans—or one percent of the population. Snyder then attacked the congressmen who asked for the report. "We have tried to satisfy your gnawing curiosity for a number," he said, carping about "Americans with little Western minds that have to quantify everything in sight."

Two years later, with homelessness increasingly in the news, the Community for Creative Non-Violence published *Homelessness in America*, a revised version of Snyder's 1980 testimony. "We have learned nothing that would cause us to lower our original estimate," wrote Snyder and coauthor Mary Ellen Hombs. "In fact, we would increase it, since we are convinced that the number of homeless people in the United States could reach 3 million or more during 1983."

These two sentences are the strongest "evidence" ever provided by the Community for Creative Non-Violence on the size of the homeless population. Snyder and Hombs chose to prove their claim, not by providing evidence but by listing dozens of horror stories about individual homeless people. (It's a favorite technique of advocacy groups both outside and inside the government. Ralph Nader and his organizations have perfected it to a high art, and the Attorney General's Commission on Pornography proved itself no slouch at using much the same methods several years ago in "proving" that pornography causes crime.)

Beyond anecdotes, Snyder and Hombs's

extraordinary claim of two to three million homeless Americans rests on "information" received from sources—usually homeless activists—in 25 cities and states. Their estimate "lacks absolute statistical certainty," they concede. And as we shall see later, estimates gleaned from activist sources also lack credibility and intellectually respectable defenders.

Snyder and Hayes proved irresistible to the media—Snyder the rough-hewn survivor of the '60s, Hayes the smooth establishment operative. Their activities filled the pages of newspapers and magazines and provided the visual effects for TV reports. "Whenever I pick up a newspaper or listen to the news," New York Mayor Koch said in January 1983, "I find stories about one of our most pressing problems—that of the homeless."

Homelessness is the issue by which the champions of the welfare state hope to regain lost ground.

Most of the major newspapers in America had a story about national homelessness in 1982 or 1983, and most of these stories had one point in common—they all reported Mitch Snyder's estimate of two million homeless (which Robert Hayes also adopted) as a hard fact:

- "1982's Homeless: Americans Adrift in Tents, Autos," *Washington Post*, front page, August 14, 1982: " 'From coast to coast, signs of the 1930s reverberate,' says Robert M. Hayes,...attorney for the National Coalition for the Homeless, which estimates at least two million people are without shelter in the United States. He notes, 'The soup lines grow. The flophouses fill to overflowing....The newest token of a failed American dream is a cardboard box.' "
- "Millions Hit Bottom in the Streets," *Los Angeles Times*, front page, December 26, 1982: "According to testimony two weeks ago at a congressional subcommittee hearing on the subject, there may be as many as 2.5 million citizens without a place to stay for the holidays." The unnamed provider of testimony was Mitch Snyder.
- "Warm Season Masks but Doesn't End Problem of the Homeless," *New York Times*, June 3, 1983: "The National Coalition for the Homeless, a new organization *started in response to a rising problem* [emphasis added], estimates that there are two million of these homeless Americans, the victims of unemployment, sharp declines in low-cost housing, and, often, of homelessness." (A little fact-checking and editing could have saved this article from the misleading claim that first there was "a rising problem" and then there was the NCH, and the inane comment that the homeless are "victims of...homelessness.")

It was up to *Newsweek* reporter Jonathan Alter to provide the most florid statement of what by now was everywhere dubbed a crisis. "The tattered ranks of America's homeless are swelling," Alter wrote in a January 2, 1984, cover story, "and the economic recovery that made this Christmas merrier than last for most Americans has not brought them even a lump of coal."

By 1984, said *Village Voice* reporter Joe Conason, homelessness stories all suggested "the same question: If there are two million homeless, why isn't the government doing more to help them?"

Needless to say, the government was not sitting around letting social activists monopolize the limelight. In 1983, Secretary of Housing and Urban Development Samuel Pierce ordered his Office of Policy Development and Research to produce an estimate of the size and nature of the homeless population. *A Report to the Secretary on the Homeless and Emergency Shelters* was released in May 1984—to howls of outrage from Snyder, Hayes, and the homeless lobby. It was, scoffed Snyder, "a political document."

The HUD report presented four estimates of the homeless population, ranging from 192,000 to 586,000. The authors concluded that "as best as can be determined from all available data, the most reliable range is 250,000 to 350,000 homeless persons. This represents the total number of people, nationally, who were homeless on an average night in December 1983 or January 1984." It was a meager 10 percent of the 2-3 million figure popularized by Snyder and Hayes.

HUD had tried four ways to come up with some homeless estimates. The highest figure of 586,000 was determined by collecting local newspaper stories, magazine articles, and a few reports by state and local welfare agencies, dividing the total into the population of those areas, and so deriving a national estimate that .25 percent of the population was homeless. HUD's analysts did not question their source material and relied on news reports written as much as two years before the December 1983 "snapshot" date. For example, estimates for Minneapolis and Philadelphia were derived from 1981 newspaper articles, while Tucson and Pittsburgh figures were taken from 1982 newspaper stories.

HUD's other estimates deserve closer attention. Consider the number derived from the opinions of operators of shelters for the homeless.

Shelter operators are not as knowledgeable about the numbers of homeless in their area as one might expect. As Eugene Ericksen, a professor of sociology at Temple University, told a congressional committee in December 1985, "the shelter operators and other providers are so busy run-

ning their facilities and taking care of the local clientele that they have little time or motivation to learn about the problem as a whole. Knowing how many homeless people there are in the New York area will not help you run your shelter in the Bowery when your beds are full every night and you have to turn people away."

Ericksen, at the request of Mitch Snyder, used the Freedom of Information Act to obtain the worksheets used by HUD survey researchers. He found that half of the people HUD tried to interview gave an estimate reluctantly; a third refused to provide an estimate at all.

The estimates HUD did receive varied widely. In New York, for example, estimates ranged from 12,000 to 50,000 homeless people; in Los Angeles, from 19,500 to 39,000.

"Some of these responses may have been wild guesses," Ericksen testified. "In other cases, respondents may have given the number of public shelter beds; estimates may also have been given of the number of persons staying in shelters, missions, or hotels and apartments vouchered for the homeless."

In many cases, HUD's "experts" relied on the same primary sources. In Chicago, four of the five sources HUD solicited based their guesses on a 1983 report by Chicago's Department of Human Services. (The fifth estimate was deemed "very soft" by a HUD survey researcher.) In Boston, five of the eight sources used by HUD based their estimates on a single source, a report by Boston's Emergency Shelter Commission.

In short, what HUD did was not to count the number of homeless people or to rely on counts compiled by others. It simply collected opinions. Some of the opinions may be better than others, but as Richard Applebaum, a professor of sociology at the University of California at Santa Barbara, points out, most of HUD's research was "subjective opinion....I don't think it matters if it is a shelter operator or a member of the Coalition on the Homeless, it is just a guess. It may be a somewhat more informed guess than my guess, but it is still a guess because of the monumental problem [in counting the homeless]."

The homeless lobby obviously didn't care for HUD's huge deflation of their own numbers. But two recent studies suggest that HUD's estimates were *too high*. Peter Rossi, director of the Social and Demographic Research Institute at the University of Massachusetts at Amherst, conducted a study for the National Opinion Research Center to determine the number of homeless people in Chicago. Rossi and his researchers counted homeless people on 245 blocks in downtown Chicago (including "super blocks" such as train, bus, and subway stations that have a large number of homeless people).

They concluded that there were between 2,000 and 3,000 homeless on the nights surveyed (in September/October 1985 and February/March 1986). Rossi estimated that 5,000 people were without homes at some point during the year. HUD, by contrast, estimates Chicago's homeless at 12,000-25,000—three times Rossi's figures.

In a subsequent article in *Science*, Rossi and his researchers reveal that they have "never been able to locate any data from which [HUD's] numbers were derived." They note that "empirically credible attempts to estimate the size of the homeless population have produced numbers well below the expectations of the advocacy community."

In Los Angeles, the survey research firm of Hamilton, Rabinovitz, and Alschuler recently conducted a survey for Los Angeles's Community Redevelopment Agency on the skid-row section of central Los Angeles, the area where most of Los Angeles's homeless stay. Using sampling techniques similar to Rossi's, the researchers determined that between 1,650 and 2,285 homeless people stayed on skid row each night and that between 3,390 and 4,260 people spent at least one night each year in the area.

Yet, demonstrating the problem with HUD's reliance on local social-service agencies, soup kitchen operators surveyed by the researchers gave estimates of between 10,000 and 200,000 homeless people in the skid-row area. According to the 1980 Census, the *entire* population of the skid-row district was 10,127.

Martha Hicks, president of the Skid Row Development Corp., a nonprofit community agency, discounts HUD's estimate that there are up to 50,000 homeless people in Los Angeles. "They'd be falling all over each other if we had that many people here," Hicks told the *Washington Post* recently. "I think there are some people who think there is some money to be made from homelessness."

In September 1986, the National Coalition for the Homeless responded to HUD's report with *National Neglect/National Shame*, a survey designed to show that "more men, women, and children are homeless than at any time since the Great Depression." The NCH surveyed 21 cities in a manner similar to HUD's, with one important difference. While HUD tried to obtain estimates from a variety of sources, the NCH relied on one or at the most two sources for a city, usually either a shelter operator or a local homeless lobby.

When questioned about the survey, NCH Washington director Maria Foscarinis, who wrote the report, refused to comment on any biases her sources might have. She insisted that such sources as the Massachusetts Coalition for the Homeless, the West Virginia Coalition for the Homeless, and the Seattle Emergency Housing Coalition can provide "the most reliable estimates" because they are "front-line people."

The *total* number of homeless counted by NCH (assuming reliable sources) ranged

from a low estimate of 177,125 to a high estimate of 235,320 people. That's for 21 cities. The NCH extrapolated from these "front-line" estimates to endorse Mitch Snyder's famous figures: Foscarinis claims that there are between two and three million homeless people in the United States. Her claim is backed, she admitted in the interview, by "nothing that I can think of."

source" for the rise-in-homelessness claim is "people in the homeless community, who have an axe to grind."

Suppose, though, that Snyder is right and has always been right. That would mean that there were between two and three million homeless people in 1982, when he first put out a number—*and* between two and three million homeless people in 1987. If Snyder is infallible, there has not been an increase in the homeless population for five years. Why, then, should the flow of tax dollars to the homeless be stepped up?

HUD did not count the number of homeless or rely on others' counts. It collected opinions.

Few people outside the homeless lobby, however, now support Snyder's number claims. In an interview, Snyder said that he still believes there are between two and three million homeless in the United States but noted that his numbers are not "scientifically precise."

But "they're not just my numbers," he said in defense. "Check with the American Psychological Association, the U.S. Conference of Mayors, and the National Coalition for the Homeless. They'll back me." Spokesmen for the U.S. Conference of Mayors and the American Psychological Association denied that they had either supported Snyder's statistics or issued comparable estimates. And of course, the National Coalition gets its numbers...from Snyder.

Even the sociologists asked by Snyder to attack HUD's report—Richard Applebaum and Eugene Ericksen—told me that they do not support Snyder's estimates. "We really don't know how many homeless people there are," Ericksen concedes.

Both Ericksen and Applebaum believe that the homeless population is increasing, but they use metaphors—not research—to back up their claims. "Even without a thermometer, you can tell that the temperature is going up or down," says Ericksen. And Applebaum admits that his "best

Homeless lobbyists hope to increase government aid to the homeless in two ways—one direct, one indirect. The indirect method is to have cities pass right-to-shelter laws similar to the regulations New York City has prepared to comply with *Callahan* v. *Carey*. Although none is as strict as New York's, right-to-shelter laws have been passed in Washington, D.C., St. Louis, Philadelphia, and elsewhere.

In addition, the National Coalition for the Homeless and the Vietnam Veterans of America are suing the Veterans Administration to require VA workers to regularly visit shelters to teach homeless veterans how to apply for tax-funded health care, nursing homes, job placement, psychological counseling, and tuition subsidies.

While the homeless lobby is fighting in the courts, their greatest victories have been in Congress. Last year, Sen. Pete Domenici (R-N.M.) and Sen. Robert Dole (R-Kans.) led the effort to pass a bill giving welfare benefits to anyone who qualifies, regardless of whether the person has a home. John Weicher, the American Enterprise Institute's welfare specialist, sees this law as a way of determining the size of the homeless population. "If a large number of homeless people apply for welfare, then there will be some solid evidence that the homeless population is growing," Weicher says. "But I don't think this bill will swell the welfare rolls."

Homeless lobbyists have placed their efforts behind two bills, the Urgent Relief for the Homeless Act, a $500-million bill, and the Homeless Person's Survival Act, a $4-billion effort. Congressional staffers I talked to don't think there's much chance the more expensive measure will become law. It has already been split into nine smaller bills. Because they will be taken up by nine different House subcommittees, activists hope to multiply the hearings (and the media coverage) given homelessness. "We want bills to sprout here, there, and everywhere," says Penny Johnson, a staff member of the House Committee on Hunger.

The Urgent Relief for the Homeless Act, which provides $500 million in homeless aid, has already passed the House thanks to support by both House Speaker Jim Wright (D-Tex.), House Majority Leader Thomas Foley (D-Wash.), and 111 cosponsors. The bill, which also passed the Senate (with minor changes and slightly lower funding) on April 9, would, in Wright's words, "not [be] very much...$2 per capita for our citizenry. I just don't believe that the American people would turn their backs upon the needs of their fellow Americans for a clean and warm and safe place to spend the night for $2." (At press time, the measure had not been signed into law.)

The House version of the bill would create or feed a passel of bureaucracies:

- $70 million to the Federal Emergency Management Agency's Emergency Food and Shelter Program;
- $100 million to HUD to renovate shelters;
- $30 million to HUD for group homes, mental-health programs, and job training for homeless people;
- $100 million for subsidized "Section 8" public housing;
- $50 million to the Department of Health and Human Services (HHS) for new health-care programs;
- $50 million to HHS for expanding existing health-care centers;
- $100 million in additional funds to convert surplus government buildings into shelters.

What the Homeless Lobby Doesn't Want You to Know

Federal Agency	*Aid to Homeless, Fiscal Year 1986*
ACTION	
VISTA volunteers	267 volunteers/74 projects
Department of Agriculture	
Surplus houses for shelters	3 houses
Department of Defense	
Surplus buildings for shelters	10 shelters
Surplus property, equipment, clothing	$3 million
Surplus commissary food to food banks	1.8 million pounds
Department of Education	
National Institute for Disability and Rehabilitation Research Grants	$206,420
Federal Emergency Management Agency	
Emergency Food and Shelter Program	$70 million
General Services Administration	
Surplus buildings for shelters	3 buildings
Department of Health and Human Services	
Community Services Block Grant	$46-60 million
Runaway and Homeless Youth Program	$22 million
Community Services Discretionary Grants	$350,000
Alcohol, Drug Abuse, and Mental Health Administration Block Grants	$340,000
Community Support Program	$800,000
Department of Housing and Urban Development	
Surplus homes for shelters	25 homes
Community Development Block Grants	$27 million
Department of Labor	
Jobs for Homeless Veterans Demonstration	$300,000
Department of Transportation	
Urban Mass Transit Administration discretionary grants	$80,000
Veterans Administration	
VA Mental Health Care	$120,000

SOURCE: Federal Task Force on the Homeless

The homeless lobby claims the federal government is doing next to nothing for the homeless. But in fiscal year 1986 there were at least 20 programs and $170-200 million targeted for the homeless – and that's not counting regular welfare benefits.

Plus, there's plenty of pork for the homeless lobby. For the first time, homeless lobbyists can feast on your taxes. The $500 million can be spent on groups "who advocate, on behalf of homeless individuals, policies which would ensure that health care resources are made available from public and private sources to meet the health and mental health needs of such individuals."

While there is no evidence that federal funds have, up until now, been used by homeless advocates for lobbying, it wouldn't take very much federal cash for the homeless lobby to wallow in luxury. The *entire* budget for the National Coalition for the Homeless in 1987, for New York and Washington offices, is only $308,500.

None of NCH's budget goes to provide shelters for the homeless—its *raison d'être*, one would think. By contrast, Mitch Snyder's Community for Creative Non-Violence spent "about 98 percent" of its 1986 budget of $250,000 on its homeless projects—two shelters, an infirmary, and a soup kitchen—according to the group's Mary Ellen Hombs. She estimates that the two shelters house "about 1,000 a day." Hombs says that 95 percent of their budget comes from individual donors, with the remainder donated by churches and philanthropic foundations. In addition, their main shelter was renovated last year with a $6.5-million federal grant.

The seemingly unstoppable Urgent Relief for the Homeless bill makes two assumptions that remain unproven. In arguing for additional money for public housing, the bill's authors assume, in the words of New York Governor Mario Cuomo, that people are "homeless...because of the nationwide shortage of affordable housing." And unless more public housing is built, as *Common Cause* magazine warns, "the homeless problem could get much, much worse."

In fact, *public-housing funds have not been cut during the Reagan administration.* While the "authority"—the amount an agency is allowed to spend—has been reduced, the "outlays"—the actual amount spent—on public housing has risen steadily. In fiscal year 1981 (Jimmy Carter's last budget), the federal government spent $5.7 billion on 3.1 million families. Five years later, the federal government spent $9.5 billion on public housing for 4.1 million families. Why should tax dollars be "restored" to a program that not only hasn't been cut but has ballooned by two-thirds?

Moreover, if homelessness was somehow related to the supply of housing, more people would become homeless as housing

vacancy rates decreased. Thomas Main, a Harvard graduate student studying homelessness for the Twentieth Century Fund, studied vacancy rates in New York City. Between 1978 and 1984, that city's vacancy rate dropped from 2.95 percent to 2.04 percent while the number of people in shelters increased 148 percent. Yet between 1965 and 1970 the vacancy rate in New York dropped from 3.19 percent to 1.5 percent while the number of people staying in shelters remained constant. "If a housing crisis is what causes people to be without homes," Main says, "then why didn't we have a homeless-family crisis of the size we do now back in 1971?"

Politicians and homeless advocates, in trying to "solve" the problem of homelessness by the well-worn method of throwing money at it, underestimate the amount of federal aid already flowing to the homeless. For example, a "fact sheet" put out by the House Select Committee on Hunger claims that only five federal programs serve the homeless.

In fact, as a modest amount of poking around Washington reveals, there are at least *20* federal programs for the homeless, ranging from conversion of surplus buildings to Urban Mass Transit Administration research grants (yes, UMTA is in on the action to figure out how homeless people can use public transportation).

The total amount targeted for homelessness in fiscal year 1986 was between $170 and $200 million. At least $60 million—and as much as $560 million—will be added to this total in fiscal year 1987. And that's just for programs within agencies designated specifically for homeless people; this doesn't count welfare benefits such as food stamps or veterans' benefits for the 25 percent of the homeless population who have served in the armed forces. The table on page 26 lists federal funds allocated for the homeless in 1986; calculating *all* federal benefits for homeless people is impossible, since most social welfare programs do not earmark money specifically for the homeless even when that's how it's spent.

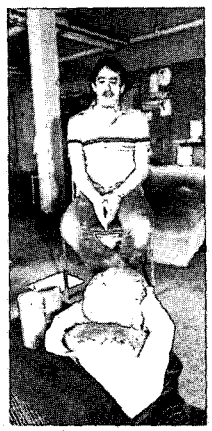
Most federal aid to the homeless goes to two programs—the Emergency Shelters Program, run by the Department of Health and Human Services, and the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The Emergency Shelters Program is part of the Community Services Block Grant, the remnant of the now-defunct Community Services Administration. The $46-60 million spent on the program, says Linda Hill, a grant specialist in the program, reimburses state programs rather than providing direct federal funding. Grants are "audited selectively," Hill says.

In New York City, $36 million of federal Emergency Shelter money reimburses the city of New York for running welfare hotels. Last spring, the *Village Voice* charged that eight real-estate speculators own up tc one-quarter of the welfare hotels in that city. Because the city of New York pays up to *$37,000 a year* (half of which the federal government reimburses) to house a family of six, speculators and real-estate investors have made massive profits. Example: the city of New York sold the Jamaica Arms in 1982 for $75,000; speculators resold the property to the city in 1986 for $1.2 million.

Because of the right-to-shelter order, New York has to provide housing for homeless people, and speculators can charge

Close Encounter of a Weird Kind



Mitch Snyder prays, poses, and goes on a hunger strike to wrest millions from the government.

Mitch Snyder is the media's favorite homeless person. The confidant of senators such as Teddy Kennedy and Hollywood stars such as Whoopi Goldberg and Martin Sheen (who played Snyder in a 1985 TV docudrama), Snyder courts the press assiduously, attracting guilt like a supercharged magnet. This has led some skeptics to think him messianic. "Whatever you do," one friend warned me, *"don't* talk to Mitch Snyder about Gandhi."

Former adman Snyder looks more like an actor playing a homeless person than an actual bum. He doesn't have dirty hair or holes in his pants; when I talked to him, he was wearing a faded army surplus jacket, a bright-red ski cap, and brand-new hiking boots. Think of Bruce Weitz from "Hill Street Blues" with a full beard, and you'll have a close approximation of Snyder's looks.

Snyder doesn't have a phone, but, like any Washington bigwig, he has an appointments secretary who keeps his calendar. I caught up with him on the steps of the Capitol, participating in a rally against aid to the *contras* that featured 20 speakers yelling at six passers-by. We walked to a nearby fountain and started to talk.

"Mr. Snyder," I asked, "I've heard you call yourself an anarchist, but everything you advocate calls for increased government spending. How do you reconcile this with your anarchism?"

Snyder glared at me through glazed brown eyes. "Our community is most often called Christian anarchist. To be a Christian is to be an anarchist. I refer to myself as a Christian person of faith."

"But how does your anarchism express itself?"

"We advocate different government spending. We advocate the disappearance of government. We don't pay taxes, and discourage others from paying taxes. As long as people give a trillion dollars to the federal government, they should spend it responsibly."

"Why do you feel that the homeless should be given federal funds?" I pressed. "Shouldn't they be taught to fend for themselves?"

Snyder's voice darkened. "Homeless people are not responsible for their state," he said. "Like any oppressed people, they need to fight."

I asked Snyder a few more questions. You'll find his answers scattered through the article. His answers kept getting shorter and shorter, and I thought it best to end the interview. I asked if I could tour the shelter that his group received $6.5 million in federal funds to rebuild.

"You're not from HUD, are you?" Snyder said. "I talked to one guy who defended HUD, and he got a job in [the Department of] Agriculture."

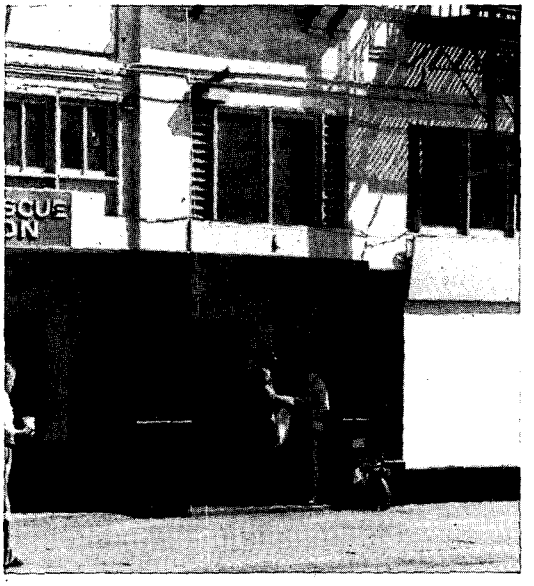
"Mr. Snyder," I said, "I swear to you on a stack of Bibles that I am not going to defend HUD or any government agency in my article."

That got me into Snyder's shelter, but I had to promise not to describe what I saw. It wasn't a pretty sight. As I left, Snyder said I should feel lucky to be allowed into the shelter.

"We only give tours to people who we think can help us," he said. "People like...*Alan Cranston*."

whatever they desire. New York City pays, on the average, $1,800 for a month's rent in a welfare hotel, $900 of which is extracted from federal taxpayers. Meanwhile, tellingly, private institutions such as Long Island University and Fordham University have negotiated long-term contracts buying comparable housing for their students at a monthly rate of $355.

FEMA's Emergency Food and Shelter Program is the largest single federal program for the homeless. And it is growing; Congress increased its budget from $70 million to $120 million this February.



Some local authorities actually block federal dollars from being used on shelters.

The program is quite decentralized. A National Board made up of representatives from seven charities (including the American Red Cross, the Salvation Army, and the National Council of Catholic Charities) distributes monies to local boards drawn from social-service agencies and chapters of national charities. At each level, the program is administered by chapters of the United Way.

According to *National Journal* reporter Julie Kosterlitz, National Board representatives use spare time in meetings to form "a natural grass-roots lobby...to speak out about the need for more federal help." As United Way of America vice-president William Fields told Kosterlitz, "If you've got 1,800 local boards comprised of 6,000-7,000 direct-service groups, that's certainly an awesome infrastructure set up to send a message about what's going on out there."

And what of the program's effectiveness? Dennis Kwiatowski, chairman of the National Board (and a FEMA bureaucrat), admitted in 1986 congressional testimony that his program did not give money to areas of greatest need. "The problem is there is no way of targeting funds for the number of homeless," Kwiatowski conceded. "They are mobile, they change on a day-to-day basis."

Because the Emergency Food and Shelter Program is so decentralized, I decided to investigate the program by checking four of the largest grantees—Los Angeles, Chicago, Houston, and three counties surrounding Detroit. I found that FEMA funds in these cities are not, as House Speaker Jim Wright's appeal to the American taxpayer would have it, used primarily to provide "a clean and warm and safe place to spend the night."

In Los Angeles, only $184,000 of the $2.6 million awarded by FEMA last year was spent on shelters. In Chicago, all of $240,000 out of a $2.2-million budget was so spent. In Houston, $66,000 of the $1.3 million allocated. And in suburban Detroit, $100,000 of the $1.5 million was spent on shelters. That's an average of about 7.5 percent.

Most of the tax dollars in the Emergency Food and Shelter Program actually goes to expanding existing welfare programs that can be used by any poor person. FEMA money is mostly used for food banks and rent and utility subsidies. None of the grantees I talked to provided any assistance either in finding new jobs or in training for new jobs.

In some parts of the country, local authorities actually *block* federal tax dollars—or charitable donations, for that matter—from being used on "a bed for the night." Dave DeCoursey, United Way of Chicago's vice-president for research and development, says that he would be unable to use extra federal funds on shelters because zoning restrictions have barred new shelters from being built in Chicago since 1984. "It's extremely difficult to get a shelter zoned," DeCoursey says.

Could the current cornucopia of federal aid—free food, free housing, free electricity—"solve" the homeless problem? Some experts argue that, as the amount of aid increases, the number of people eager to use it increases.

When Thomas Main analyzed New York homeless statistics, he found that 19 percent of the people staying in shelters over a long-term period were "economic-only" clients—men who entered shelters not because of drugs, mental illness, or disability but because life in a shelter is more attractive than either a life on welfare or a life in a minimum-wage job. Main believes that minority youth with "tenuous family ties" may find a shelter more attractive than living with unfriendly relatives.

"Unlike many landlords, and unlike the welfare system, the shelters are by design very easy to deal with," Main explained in *The Public Interest*. "Their extensive staffs are paid to make things easy on the clients, and to help them where they can....Shelters obviate the necessity of taking...work."

While advocating more aid for the homeless, Eugene Ericksen agrees with Main that very poor people would move from marginal housing to shelters. "If a lot of money was spent, you would solve an acute problem," Ericksen says. "But you would still create more demand."

In an interview, Main said he would like to have lawmakers think about several questions before contributing to the budget crisis by responding to the "homeless crisis" with more and more tax dollars. "Is the best way to approach this problem by building more shelters? Is a national right to shelter the approach that makes the best sense?"

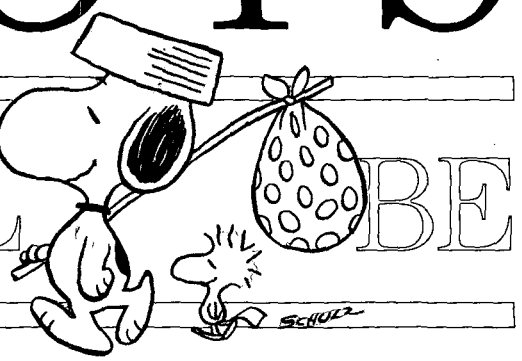
And here's an additional question. Given the vast number of programs already serving the homeless, and given the at-best sketchy evidence offered by the homeless lobby, why should taxpayers believe there *is* a "homeless crisis"? ◻

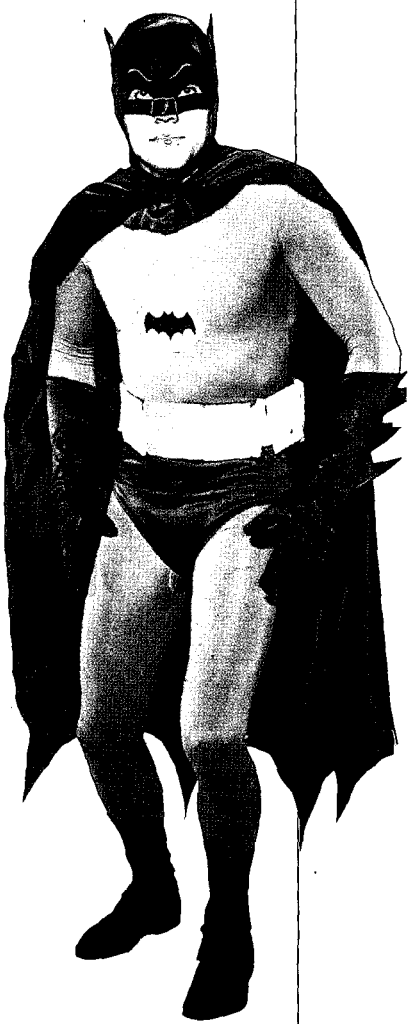
Martin Morse Wooster, formerly Washington editor of Harper's, *recently became an associate editor of* The Wilson Quarterly. *This article is a project of the Reason Foundation's Investigative Journalism Fund.*

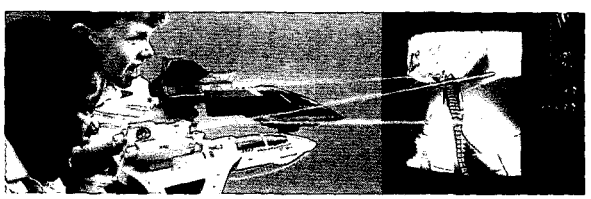
DISNEY STUDIOS

Our national nannies are worried about Captain Power and the Soldiers of the Future. But kids survived Mickey Mouse, Batman, and Cookie Monster — all without censorship.

TOYS WILL BE TOYS







UNITED FEATURES SYNDICATE, INC.

The time is the present. The metal wars are hundreds of years in the future. But the excitement has already begun, in living rooms just like yours."

So goes a promotional video for one of the new "TV-interactive" toys, Mattel's Captain Power and the Soldiers of the Future. On a television screen, Lord Dread, an ominous Darth-Vadar-like demon, looms, his eyes filled with a searing red light, while a boy actor grabs a spaceship-shaped laser gun and zaps the character on the screen.

The technology behind this three-dimensional battle has the toy industry brimming with excitement. After a flat sales year in 1986, companies see a potential boom area in toys like Captain Power, made by Hawthorne, California–based Mattel Inc., and TechForce, made by another California company, Axlon Inc.

The electronic toys, which will be in stores in time for this fall's TV lineup, are activated by light or sound signals transmitted over the airwaves. Responding to the signals, TechForce's grotesque bad guys, called Moto Monsters, move about on the floor and launch their attacks. It's high-tech cops and robbers, with the TV controlling the bad guys and the child—joystick in hand—controlling the good guys. While good and evil square off on the floor, the TV continues with a related cartoon battle.

But in the grown-up world of industry and regulation, a much larger battle is raging. In February, less than a month after these high-tech marvels were unveiled at the industry's largest convention, the New York Toy Fair, a group known as Action for Children's Television (ACT) filed a petition with the Federal Communications Commission, the government's TV regulators, to get the shows—and, by implication, the toys—banned. Peggy Charren, indefatigable president of Cambridge, Massachusetts–based ACT, has latched onto the TV-interactive toys issue to fuel the latest campaign in her 20-year-old crusade to decommercialize children's programming.

"Shows should not be so tied to a product that they become commercials," Charren says. Her contention? That toy manufacturers have turned children's television into a nauseating stream of 30-minute commercials, all pushing the sale of products on a vulnerable and highly impressionable audience. And shows based on interactive

by Deborah Hallberg

toys become an especially powerful—and insidious—form of advertising, she argues, because kids can't enjoy the shows without owning the toys. What better way to sell $250 worth of merchandise—that's what the TechForce system will cost Mom and Dad—than to create a "must-have" toy? Interactive toys, she claims, will create two classes of children—the haves and the have nots.

Action for Children's Television is not alone in its attack on the new TV-interactive toys. Across the country, other groups have been staging rallies that focus on what they consider the most pernicious aspect of the toys—their violence. In Santa Monica, California, for example, a group calling itself the Los Angeles War Toys Boycott staged a mock nuclear-plant meltdown in February to call attention to what they see as the dangers of violent toys.

"What we're seeing in this country is the most massive and unethical promotion of war as has ever been seen," says Dr. Thomas Radecki, chairman of the National Coalition on Television Violence, based in Champaign, Illinois. The group, which maintains a hit-list of the most violent children's programs, is pushing to get legislation introduced in Congress that would essentially outlaw kids' programs with violent themes. Radecki says that dozens of university studies support his claim that exposure to such violence harms children. And Jerry Rubin, a leader of the Los Angeles group (not the '60s anti-war activist Jerry Rubin), fears that the TV-interactive toys are "a dangerous new direction" and one more example of a wave of militarism that is sweeping the country.

What do toy makers think about all this? Sensitive to attacks on its integrity, the industry is nonetheless careful not to overreact. Jodi Levin, spokeswoman for the Toy Manufacturers of America, says of ACT's Charren, "Peggy has been tearing her hair out about a toy she's never even seen. It's hard to take that seriously."

Still, the industry does take it seriously, and toy makers have seized nearly every opportunity to debate Charren on this issue. Nolan Bushnell, president of Axlon and the man who almost single-handedly launched the video-game phenomenon when he founded Atari back in the early 1970s, argues that the industry is up against a new "Luddism"—those who, like the 19th-century workers who went around bashing machines, are afraid of any and all progress. What Action for Children's Television and the war-toys activists demonstrate is an "absolute white-knuckle fear of technology," he says, which can be even more harmful to kids.

"The responsibility of the toy companies is, first of all, to educate as opposed to tranquilize," Bushnell says. "And then it's to prepare children for the world they will inherit. That means to put as much technology in front of them as we can." What exasperates Bushnell even more is that the toy-Luddites have a blind spot. They are all in favor of banning shows like "G.I. Joe" or "He-Man and the Masters of the Universe" because of their obvious product tie. But, wait a minute, doesn't "Sesame Street" also push a line of products? And what about classic characters that millions of Americans cherish? Are we going also to ban Mickey Mouse and Donald Duck?

"The market is controlled by people who have a financial interest. It's like freedom of speech for those who can afford it," charges activist James Conn.

"If you don't, then it's not fair," Bushnell says. "It's entrenched commercialism versus new commercialism. Where do you draw the line?"

"They've got some bloody nerve, bringing up 'Sesame Street,' " Charren shoots back angrily. Still, the show keeps getting brought up because the toy makers keep accusing Charren of a double standard. Her rationale is based on a program's underlying objective, she says: Is it on the air to sell products or is it on the air to educate and entertain children?

" 'Sesame Street' is like the Shirley Temple movies—it's there to teach kids, not to sell those puppets. The end result is not the same," she says. So if "The Flintstones," for example, were developed as a cartoon before any company dreamed up Flintstones vitamins, the television show deserves regulatory immunity. Conversely, if the product came first, any subsequent TV show can and should be indicted for gross commercialism. Is there an appropriate waiting period after which a company may introduce a product? Charren thinks so and offers her choice for a guideline: "Two years—that would be perfectly reasonable." The law, after all, is an arbitrary animal, she says.

Nonsense, says an educator who acted as a consultant to the "He-Man" cartoon show. According to Donald F. Roberts, professor of communications at Stanford University, any popular TV show ends up selling something, including the Olympics and the Super Bowl. Even Sunday morning programs sell the concept of God. Just when companies begin capitalizing on their popularity is beside the point. "It's totally subjective," he says.

And that may be the rub. Because, he says, when you remove the emperor's robe, what you discover is nothing more exciting than a clash of personal values. "Peggy has a very legitimate axe to grind," he says. "What has to be made really clear is that it's axe-grinding. She's making value judgments."

The controversy, it turns out, is less a debate on the merits of children's programming than a scramble for control over what stations broadcast. "They want to blur the boundaries of what is in front of the TV screen and what is in back of the TV screen, and who controls what," says Axlon's Bushnell. "We are the foes of censorship."

Interestingly, that bold assessment meets agreement at the Washington commission charged with determining the outcome of the debate. ACT's petition "smacks of censorship," says Freta Thyden, the Federal Communications Commission attorney assigned to work on issues of toy-related programming.

Thyden is sympathetic to those on both sides who decry the shoddiness and commercialism of children's TV, but her personal response is less sympathetic: "Shut off the TV or get rid of it," she says. "We might, as individuals, want to do something [to improve children's programming]. But who the hell wants the state taking over? This government may not always be here." It's simply not the role of the FCC or government, she contends, to dictate television's content or to supplant the duty parents have in disciplining and educating their children.

Governments do, in fact, change, and the FCC *has* used its power over programming to censor toy-related shows. In 1969,

the agency barred ABC from airing a program based on Mattel's Hot Wheels race cars, which had been on toy-store shelves for a full year. The commission argued that the cartoon was "designed primarily to promote the sale of a sponsor's product, rather than to serve the public either by entertaining or informing it." But in 1984, the agency relaxed its earlier position and allowed another Mattel creation, "He-Man and the Masters of the Universe," to terrorize the airwaves. And in 1985, the FCC flatly refused to hold hearings on product-themed shows.

Nowadays, the regulators are also altogether noninterventionist when it comes to financial deal-carving. TV stations, for example, routinely receive a slice of the profits from toy sales when they broadcast these shows, a practice the FCC has condoned. "We don't see broadcasters as educators," Thyden says. "Broadcasters are business people."

The commission still has its guidelines; it still operates, for example, on the assumption that broadcasters have a special obligation to serve the public interest, and the commission has issued guidelines to govern the relationship between commercials and programs. But in most respects, the FCC remains "very free-market oriented," says Milton Mueller, a former communications analyst for the Cato Institute in Washington. Under chairman Mark Fowler, a free-market champion who was appointed in 1981, the FCC moved steadily toward deregulation, and Mueller predicts that the trend is likely to continue even though Fowler left in April. "It's a consensus-and-compromise kind of operation," he says. "So it's likely something will happen. They may do some kind of mild regulation" to appease the critics.

Still, the FCC would probably prefer to have an unhampered marketplace settle the controversy rather than have to rule on the matter. Even if Fowler's successor, Dennis R. Patrick, agrees to hold hearings on TV-interactive toys, the process could take years to unwind.

Meanwhile, market solutions abound; some are already being practiced by the very groups that seek to ban the toys. The Los Angeles anti-war toys group, for example, has seized on one of the oldest and most effective forms of voluntary intervention: the product boycott. And with a flair for gaining media attention, opponents potentially have access to millions of American living rooms with their message "Buy Love, Not War."

But as effective as such techniques can be, "if you want to change something, you need to get legislation passed," Jerry Rubin believes. The charge of censorship barely fazes activists. They see toy makers and television broadcasters as a band of exploiters who prey on an audience of innocents. "Censorship is a toughie," admits the Rev. James Conn, mayor of Santa Monica who "presided" over the Valentine's Day meltdown and a year earlier spoke the eulogy at a war-toys burial ceremony. "I don't believe in censorship," he claims, then tries justify that very practice with the contention that "the market is controlled by people who have a financial interest in it. It's like freedom of speech for those who can afford it," he opines. "I'm not sure that that's not another form of censorship—censorship of the market."

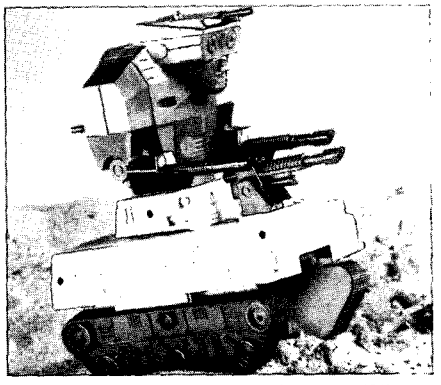
"Take away their toy guns and they still have this: bang, bang," says toy maker Nolan Bushnell, cocking his finger.

For her part, Charren dismisses charges of censorship with the wave of a hand. "We do not even talk about content," she says. "We want every broadcaster to be required to fulfill his license obligation to serve the public interest. We say, That includes an hour of educational children's programming every day."

To Charren and others, broadcasters and toy makers rightly respond that consumers—the public—will vote with their dollars on whether they like the new toys. "If the consumer doesn't want to buy, trust me, the consumer doesn't buy," says the Toy Manufacturers' Jodi Levin. To support her claim, she points out that sales of action figures, which were a "hot category" during the 1986 Christmas season, have since fizzled out. And Spencer Boise, a vice-president of Mattel, remembers that space-age figures, which his company modeled after the Apollo astronauts and heavily promoted in the early 1970s, never got off the ground in sales.

All of that is not to say that the new TV-interactive toys are destined to flop in a free market. One of the most time-honored military toys, G.I. Joe, lost popularity during the Vietnam war, only to resurface 10 years later as the industry's leading seller. Toy makers point to stories like that to underscore their claim that they're only supplying what consumers hanker for.

That includes war toys. Kids seem to have a deep need to play good-guy bad-guy roles and explore issues of morality for themselves. "Take away their toy guns and they still have this: bang, bang," Bushnell says, pointing and cocking his finger. "Can we require our kids not to read the front page when we bomb Khaddafi?"



Just as kids will be kids when it comes to playing with toy guns, so too are they the supreme consumers, quick to switch the TV channel if a show bores them. So Charren's argument that shows have no "stand-alone" value—creating two classes of children, the haves and the have nots—seems ludicrous. Why would any station manager air a TV show with such limited appeal? "I can say as a matter of practicality that if the program is not appealing to all children, it won't be on the air very long," says Dick Hollis, a spokesman for the National Association of Broadcasters, based in Washington.

One thing is certain, however. All the hoopla and hullabaloo may be premature. As toy industry analyst David S. Leibowitz, a senior vice president of American Securities Corp. in New York City, is quick to point out, few industries have had so many false starts and quick exits as the toy industry, or been so dependent on the vagaries of consumer taste.

The fate of TV-interactive toys is likely to be decided, as it should be, in the marketplace. "Let's see how the consumer reacts to them," says Leibowitz. "Given a vote of confidence by the consumers when they open their pocketbooks, we'll be able to judge how important they will become." ◻

Deborah Hallberg is a business reporter at the Oakland, California, Tribune.

Leslie Delatour

On February 7, 1986, nearly 30 years of a single-family dictatorship ended in Haiti and 39-year-old Leslie Delatour, the new finance minister, then set about to clean up the mess. And what a mess it was.

The Duvaliers—first "Papa Doc" and then his son "Baby Doc"—looted Haiti as if it were their own private feudal kingdom. "The distinction between the public treasury and their private property hardly existed," declared Justice Minister François St. Fleur.

The government that took Duvalier's place was a lame duck almost from the beginning, disavowing any role but a transitional one as the nation was guided toward democracy. Elections are to be held this November, and a new president will take office on February 7, 1988—two years to the day from the ouster of the hated dictator.

That means Leslie Delatour must act quickly to have much impact. Two years isn't much time to undo the kind of damage Haitians have had to endure for so long.

In January, Lawrence W. Reed, director of the Center for the Study of Market Alternatives, happened to see an article in the International Herald Tribune *about the new finance minister. He was intrigued at this description of the efforts currently under way to divest the government of the many monopolies that had operated under Baby Doc Duvalier and his father. A few months later Reed made arrangements to interview Delatour, a suave and articulate gentleman who had put in a stint at the World Bank.*

Reason: You were trained as an economist at the University of Chicago. How do you describe your personal economic philosophy?

Delatour: I see myself as a liberal in the old-fashioned sense of the word, meaning somebody who is interested in free markets and in certain minimal rules of the economic game—the "night watchman" role of the state. That does not mean I wouldn't occasionally favor intervention; I do when certain externality problems arise.

Reason: Give me an example.

Delatour: Soil erosion. It's a serious national problem. Certainly the state should intervene if your failure to care for your land ends up eroding mine.

The people here are so poor that many of them think only of today and tomorrow, not of years down the road. So they do things to the land—cutting down too many trees, for instance—that are devastating for the future even if they provide food or shelter for the moment. So there is a role for the state, but I do believe that the state ought not to be involved directly in productive activities. It shouldn't be producing automobiles, for example.

Reason: Do you see the soil problems as a failure of markets?

Delatour: Yes, in the sense that there has been a failure to properly enforce property rights. A lot of the land here is government land and there was a very old tax which a person had to pay for permission to cut down a tree on the land. The tax stayed the same for decades while inflation diminished the value of the tax to where it meant virtually nothing. There was a feeling that government property was everybody's property and therefore I can go out and cut down trees anytime.

I would say it's a failure of markets that is induced *by* government. The price of wood was rising, but the real price of trees, thanks to the government, was falling. The land was stripped of trees and there was no incentive to invest in planting more. Soil erosion resulted.

Reason: What other policies of the old Duvalier regimes worked to prevent economic development here in Haiti?

Delatour: What happened here was a government making decisions to basically close down the economy—with tariff barriers, quantitative restrictions on imports, and the like. And domestic monopolies were granted and sheltered from both domestic and international competition. Prices stayed up and the monopoly profits were distributed among the key decisionmakers of the government. Licenses were allocated for all sorts of activities. It was corruption in action.

The government was engaged in a massive effort to create artificial profits for the benefit of itself and its friends and families. You scratch my back and I'll scratch yours was the way the economy was run. All sorts of people are very unhappy that we are demolishing this situation and replacing it with open markets.

Reason: Give me some examples of the old monopolies.

Delatour: Every day, it seems, I run into another one of them to demolish, which sets off howls of anguish from the protected. One of the newspapers referred to me recently as "the AIDS of the Haitian economy."

The guy who was married to the sister of the former president's wife had a monopoly on copper electrical cable. Then there was the brother of the head of the palace guard who had the monopoly on polyvinyl bags. There were monopolies on milk, caps for soft-drink bottles, steel, flour sacks, and tin roofing. Now the game has changed and I'm one of the more unpopular guys in town.

Reason: How have you gone about doing away with these monopolies?

Delatour: We've slashed virtually all tariffs. None are higher now than 40 percent, compared to 100 percent, 200 percent, and even higher during the previous government.

Then we allow anyone to engage in competition. Everybody is put on the same level—no privileges. I tell producers that I'm not out to do anybody in. The old arrangement distorted price signals and now it is up to them to adjust from the old fiction to the new reality. They must put themselves in a competitive position to deal with both the imports coming in and anybody else's production here in Haiti. Anybody who wants to enter a business is now much freer to do so.

Reason: As you've implemented this policy, have you seen any impact yet on consumer prices?

Delatour: Of course. Domestic inflation in 1986 was down to zero. The prices of those things previously monopolized—such as cooking oil and rice—have actually fallen dramatically. And, by the way, we have abolished price controls.

Reason: Your emphasis on markets as opposed to central planning makes you rare among Third World officials, doesn't it?

Delatour: I think things have been changing. People are coming around to realizing that if the key to economic development was government taking everything over and spending money it doesn't have, then everybody should have been developed by now. They have been doing that all over the world long enough now for us to learn from the results. Don't tell me to do like they've done in those places, because they're bankrupt.

It doesn't take any real brains to subsidize consumption; the key question is, How long can you do that before you face the inevitable collapse? If an individual does that, he's everybody's hero while it lasts but pretty soon he's out of business and leaves everybody else holding the bag. The fact is that development is an old-fashioned matter of blood, sweat, and tears. No easy way out, not by planning, not by printing presses.

One thing I learned from George Stigler [Nobel prize–winning economist at the University of Chicago] is that you don't pretend to know better about somebody else's business than the guy who's doing it. I don't sell shoes, and I don't have the arrogance to pretend that I know more about selling shoes than the man who's selling them. If I did, I would be in that business making tons of money. So yes, I would ask the planner, If you are so smart, why aren't you rich from honest effort in business?

"It is not my job to take people by the hand and do things for them."

Reason: Are you a supply-sider on the issue of tax rates?

Delatour: Well, it's quite obvious that the higher marginal rates are, the greater the incentive to cheat, to operate under the table. So we have brought marginal rates down from a high of 55 percent to a high now of just 30 percent.

We've reduced the maze of tax brackets down to just three. The top rate of 30 percent applies at the income level of $700,000, compared to the old rate of 50 percent taking effect at $100,000.

Reason: With per capita income under $400, how many Haitians actually pay income taxes?

Delatour: Not many, but now that rates are much less confiscatory we expect more people to surface and enter the legal economy and pay taxes. We are going after them because, look, if you want things from government, you should pay for them. Otherwise, it's easy for everyone to say, Let the government do it.

Reason: The press in the United States has been quick to declare that since Duvalier was ousted, there has been little change in Haiti. Why do you suppose this dramatic story you've been telling isn't told?

Delatour: When they come here, I start by telling them that nobody is stealing millions of dollars any more from the state treasury. Isn't that a change? We now have freedom of speech. Isn't that a change? What about freedom to form labor unions and political parties? Before, we had none; now we have two unions and perhaps ten parties. Isn't that a change? What do they want in a year? Apparently these things are not so newsworthy. They see poverty still in the streets and assume there's been no change.

They ask me, Why don't you do more public works, public employment projects? To that I say, How many people would we employ this way—100,000? With what are we going to pay them? How are we going to select those to be employed, since we cannot employ everybody who says he is out of work? Those that aren't lucky enough to have the right connections and get left out, what are they going to do? They'll probably be more upset than before. And when we eventually release the ones the state employs, we have the problem all over again.

Do they expect us to print more money? If we do that, we'll have a return of inflation. If we raise taxes, we drain the economy. There just is no such thing as a free lunch—period.

Reason: How do you respond to the skeptic who says, This may be all well and good, Mr. Delatour, but you're just part of a lame duck government. How do we know that socialists won't be elected in November, and all this will be undone?

Delatour: We don't know that, but either you are a democrat or you're not. People must choose in the economic sphere just as surely as they must choose in the political sphere. We must show by performance that our way works. But if socialists someday get in charge, their certain failure will again make people realize that socialism doesn't work.

This is why I tell people that I'm not pro-business, I'm pro-market. There's a fundamental difference. If I were pro-business, I would be subsidizing this guy or that guy, but I'm not for that. I just want everybody to go out and sweat for the money that they earn. Once they earn it that's fine with me. I'll stand by and be a cheerleader, but it is not my job to take people by the hand, shepherd them around, and do things for them. If they don't have the motivation, they should do domething else.

Reason: Haiti has a minimum wage of about $3 per day and it also has a reported unemployment rate of 50 percent. Do you see any connection there?

Delatour: First of all, I don't believe that unemployment is really 50 percent. This is a country without social security and with practically no public welfare. So what does that 50 percent rate mean, that people are sitting around doing nothing, waiting for death to occur? I assure you that is not what I see in the streets. What you do have is a market that is often below the minimum wage. This is a problem because employers, as a result, just won't pick up anybody off the street. The least skilled are shut out, which may or may not encourage them to develop skills.

In the sense that the number of jobs that are available at the minimum wage is less than the amount of people who are willing to work at that wage, then it is rational for an unskilled person to offer to pay a potential employer to hire him at minimum wage.

On the other hand, in this area of great poverty, if I were to say, Let's abolish the minimum wage, I would get politically blown out of the water.

Reason: Because people don't understand the economics of it...

Delatour: Because people don't understand the economics of it and because anyone who says it would get drowned under the noise that, This guy is really a sonofabitch, selling off the poor Haitian workers to international capitalists who are drinking the blood of the people, blah, blah, blah. I have enough troubles. You have to pick the battles you know you can win.

Reason: Have you been privatizing government assets or operations?

Delatour: Well, we have been closing down some of them. The problem has been, Why privatize dead ducks? But we've done a little of that. I've told the workers at one agricultural plant that the plant is theirs if they can run it and make it profitable. I'm not giving them one bit of subsidy.

Reason: What about the state budget, which frequently ran deficits under Duvalier? Is it true that it's balanced now?

Delatour: Basically, last year we ran a balanced budget and we will again this year too—balanced in the sense that whatever deficit there is is fully financed by grants coming in from the outside, so there is no recourse to domestic borrowing.

Reason: That's a remarkable achievement in such a short period of time, is it not?

Delatour: Well, it's harder to do in many Third World countries because they subsidize so much. Here, subsidies weren't so much the problem as just outright stealing by government officials. We just ended the stealing and got rid of the few subsidies we did have, for the most part. That meant that the social cost of clamping down on public expenditures was virtually zero.

Reason: What about the printing presses?

Delatour: No, we don't issue any checks in excess of the resources that we have, so with no overdrafts, we haven't had to resort to the printing press.

Reason: How do you feel about foreign investment?

Delatour: We should have a nondiscriminatory system, one in which it's irrelevant where the investment comes from. No rules for foreigners separate from what applies to natives. So I don't have anything particular to say about it that I wouldn't say about domestic investment. I want simply to create a climate favorable to any and all investment.

Reason: If you could speak freely to a nonpublic gathering of Third World finance ministers, what advice would you most like to give them?

Delatour: The problem is not so much with the finance ministers. They generally know economics better than their governments' policies would suggest. The problem is either that you have a planning ministry to struggle with that is messing everything up or that political pressures are too great to allow the right things to be done. So basically, I couldn't tell them much that they don't already know.

What they would most want from me, I suspect, is how it is that I am able to do the things I've already told you about. They would say, My God, how lucky you are, Delatour. How is it that your boss would let you do these things? This is where the real problem is. Perhaps you should have asked, What would I most like to tell a gathering of *presidents*, rather than finance ministers? In which case I would have answered, Let your finance minister take the politics out of your economies.

Reason: Finally, Mr. Delatour, what change in American policy toward Haiti would you most welcome?

Delatour: The single most important one would be to lift immigration quotas. Just as there should be no impediment to the movement of capital, neither should there be impediments to the free flow of labor. Open up and let Haitians migrate and perform work in the United States. And also, lift the quotas on things like textiles so we can sell to Americans.

"Development is a matter of blood, sweat, and tears. No easy way out, not by planning, not by printing presses."

CONSTITUTION

SERIES

1787-1987

Does the Constitution protect rights in times of national crisis? History offers a sobering answer.

In the Name of Emergency

Few indeed have been the invasions upon essential liberties which have not been accompanied by pleas of urgent necessity advanced in good faith by responsible men...

—Justice Frank Murphy

Time and chance have been unkind to the hopes of the Founding Fathers. They established the Constitution to "secure the Blessings of Liberty" to themselves *and* their posterity, intending their framework of freedom and government to endure through storm as well as sunshine. But the dead could not forever bind the living, and the unfolding of our history during the 20th century has brought into being a second Constitution. Besides the Normal Constitution, protective of individual rights, we now have a Crisis Constitution, hostile to individual rights and friendly to the unchecked power of government officials. In national emergencies the Crisis Constitution overrides the Normal Constitution.

The great danger is that in an age of permanent emergency—the age we live in, the age we are likely to go on living in—the Crisis Constitution will simply swallow up the Normal Constitution, depriving us *at all times* of the very rights the original Constitution was created to protect *at all times*. The outlook can only dishearten those who believe that the fundamental purpose of the Constitution is to protect individuals' rights to life, liberty, and property.

Though earlier events, especially during the Civil War, foreshadowed the Crisis Constitution, World War I witnessed its unmistakable emergence. Even before the United States formally entered the war, the railroad labor troubles of 1916-17 provoked unprecedented government actions. Facing the prospect of a nationwide railroad strike when the operating brotherhoods and the railroad managers could not agree on wages and hours, President Woodrow Wilson turned to Congress, gaining passage of the Adamson Act in September 1916. In effect the act simply imposed on the interstate railroad industry a 25 percent increase in wage rates.

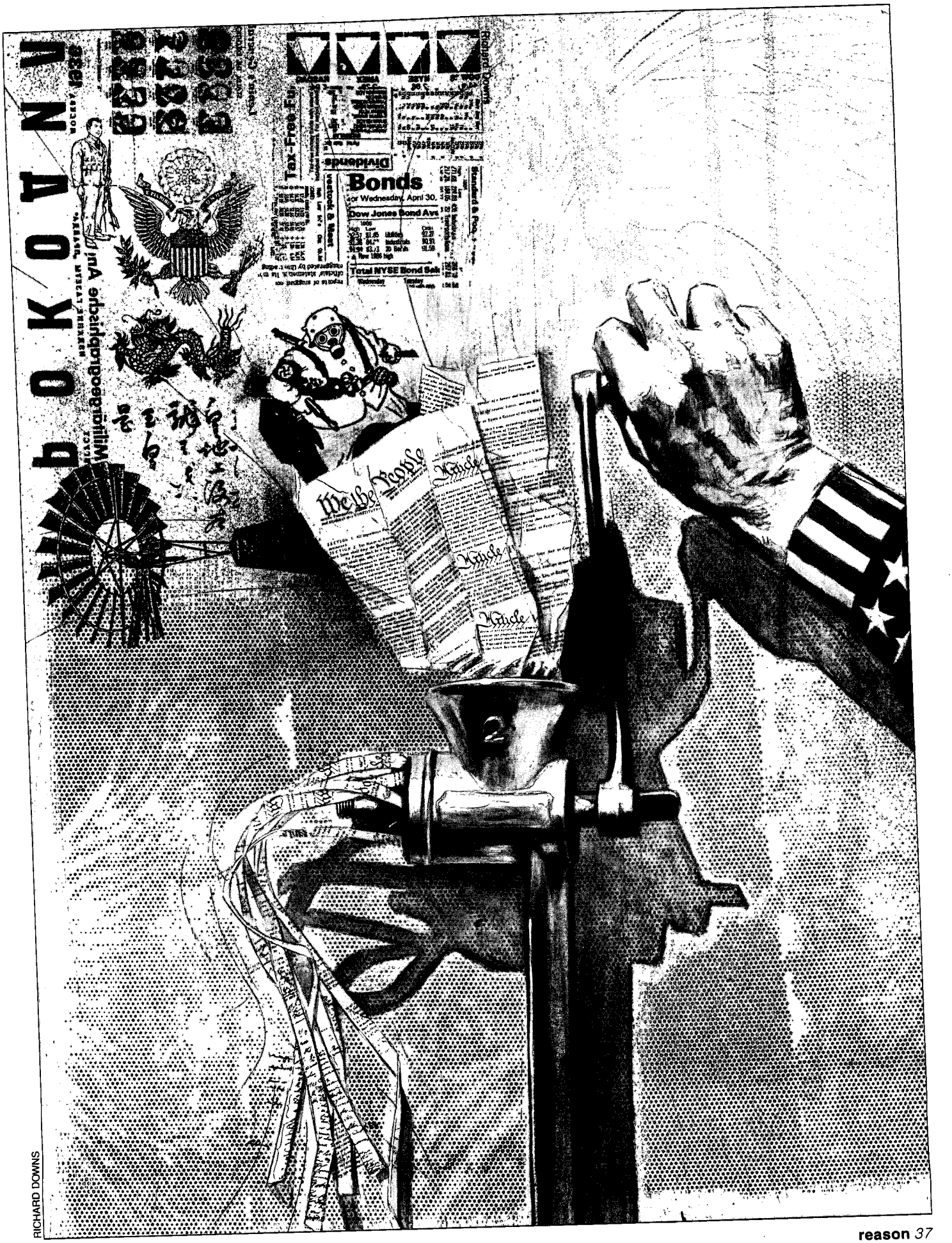
The railroads challenged the law, but the Supreme Court upheld its constitutionality. While the government has no emergency power as such, argued the Court, it has a reservoir of reserved power legitimately drawn on during emergencies. The outcome: railroad owners were deprived of a great deal of property, without compensation, for a use not public, namely, raising the pay of unionized railroad workers holding the economy hostage.

by **Robert Higgs**

After the United States formally entered the war, the government enacted legislation providing for conscription of soldiers. Though men had been drafted during the Civil War, the Supreme Court had never ruled on the constitutionality of the draft. Besides, the issues now differed: men were being drafted not to defend the government against violent domestic rebellion or invasion but to do battle in the trenches of faraway France, ostensibly to foster such abstract ideological aims as "making the world safe for democracy."

The Supreme Court readily affirmed, however, the constitutionality of the draft, refusing to consider seriously the claim that conscription constitutes a form of involuntary servitude forbidden by the Thirteenth Amendment. The outcome: many draftees were deprived of life itself by the actions of political authorities intent on the prosecution of war but unwilling to impose enough explicit taxes to hire the desired military personnel.

The Great Depression, which Justice Louis Brandeis called "an emergency more serious than war," prompted a welter of actions by governments at all levels. In 1932-34, 25 states enacted a moratorium on mortgage foreclosures. Such laws appeared to be unambiguous impairments of the obligation of contract and therefore in clear violation of the U.S. Constitution.



RICHARD DOWNS

But when Minnesota's moratorium law came before the Supreme Court, the majority pronounced this self-declared emergency legislation a valid exercise of the state's police powers.

Harkening back to the railroad case of 1917, Chief Justice Charles Evans Hughes reasoned that "while emergency does not create power, emergency may furnish the occasion for the exercise of power." The Constitution's clause protecting contracts, said Hughes, "is not to be read with literal exactness." The outcome: many thousands of mortgagees were deprived of the rights of foreclosure stipulated in their contracts and compelled to make do with the alternatives provided by emergency statutes.

Also in the depths of the Great Depression the federal government abandoned the gold standard, nationalized the monetary gold stock, and abrogated the gold clauses of all contracts, public and private, past and future. This "act of absolute bad faith" astonished even some members of Congress. Senator Thomas P. Gore declared it "just plain stealing."

But the Supreme Court held that "if the gold clauses...interfere with the policy of the Congress in the exercise of the [monetary] authority they cannot stand." The Court argued that "contracts, however express, cannot fetter the constitutional authority of the Congress." The outcome: thousands, perhaps millions, of parties to contracts containing gold clauses, including the many holders of U.S. government bonds stipulating payment in gold, were deprived of property rights, victimized by their own government.

Citizens Surrender

In the war emergency that followed the Japanese attack on Pearl Harbor, the government built an awesome command economy, suspending many individual rights. Ten million men were conscripted. The Supreme Court refused even to review challenges to the draft. Some 110,000 Japanese-Americans, two-thirds of them U.S. citizens and not one of them proven guilty of a crime, were herded into concentration camps, losing their liberty and sustaining property losses estimated at some $400 million. All quite constitutional, said the justices.

Raw materials and plants were allocated by government order; production facilities, sometimes entire industries, were seized and operated by the government; many consumer goods were rationed. None of these actions elicited so much as a ruling from the Supreme Court. Sweeping price and rent controls did come before the Court, but the cases focused on procedural, not substantive, questions, and even then the Court found no reason to deny the government any of the powers it was exercising at the expense of private rights. Said Justice Wiley Rutledge, one of the *least* single-mindedly bellicose justices, "Citizens must surrender or forego [*sic*] exercising rights which in other times could not be impaired."

During the Korean War emergency the government reinstituted controls over raw materials, production, shipping, credit, wages, and prices. When the wage-price controls created a collective-bargaining impasse in the steel industry, threatening a nationwide strike, President Harry Truman ordered the secretary of commerce to seize the industry. The Supreme Court, unconvinced that a genuine national emergency existed, ruled that the president had no constitutional authority for the seizure.

The ruling, however, in no way signified a triumph for individuals' rights or a significant check on the exercise of the government's emergency powers. The Court's decision found intolerable the president's failure to cite specific legislative authority for his action; but on emergency powers, the justices' multiple opinions—seven in all—spoke more in favor than in opposition. Only two justices explicitly rejected Truman's claim of inherent presidential power. The outcome: the steel seizure itself was forbidden; but, given the reasoning of the justices and the fragmentation of their opinions, the vulnerability of private property rights to emergency suspension remained virtually as great as before.

In the 1970s, the National Emergencies Act (1976) and the International Emergency Economic Powers Act (1977) imposed new procedural requirements but did little to detract from the substance of presidential emergency powers, which continue to be employed routinely. Recent Supreme Court rulings have sustained a wide scope for the exercise of these powers.

In 1981 the Court gave broad construction to the president's power to act under the International Emergency Economic Powers Act, even ruling that the president has constitutional power to act in the absence of statutory authority. The Court's 1983 ruling against congressional vetoes effectively demolished the check of a concurrent resolution provided in the National Emergencies Act. The Court further eroded the restraints on the president stipulated in the emergency acts when it ruled in 1984 that the executive branch could impose a major new curtailment of private travel to Cuba without even declaring a national emergency or complying with the procedural requirements of the National Emergencies Act.

The outcome: during the past decade, American citizens have been forbidden to travel to various countries, to borrow or buy from or lend or sell to the citizens or governments of various countries, to fulfill the terms of valid contracts, or to pursue in U.S. courts legal remedies for injuries and takings. Far from having their rights to life, liberty, and property upheld by the federal government, Americans have been routinely deprived of such rights under declarations of emergency.

Lowly Sentry

If the Framers intended the powers of government officials or the rights of private citizens to be any different in national emergencies, they neglected to express that intention in the Sacred Text. But the Constitution is more than the document itself. As Charles A. Beard observed, it is "what living men and women think it is, recognize as such, carry into action, and obey." And clearly, the Crisis Constitution is, and long has been, as much a part of the American constitutional system as the Normal Constitution.

Perhaps the best way to understand how the Crisis Constitution became embedded in the constitutional system is to examine the major episodes of its development, asking of each: Might it have been different? For each episode one can scarcely imagine that, given the political realities and the prevailing crisis conditions, the outcome could have been avoided.

Consider whether the Court might have found the Adamson Act unconstitutional in 1917. What would have been the consequence of such a ruling? Presumably a national railroad strike would have occurred, causing, in the words of the Court, the "destruction of interstate commerce" and "infinite injury to the public interest."

Bad enough, but the United States also stood on the brink of war. Thomas Gregory, the attorney general at the time, later recalled that Chief Justice Edward White "knew, as we all knew, that we were on the very verge of war; for the moment he forgot the facts of the case that was before him and his prophetic eye was resting on the immediate future when every proper energy of our country would be called upon to sustain it in its hour of greatest need."

The majority simply was not willing to issue a ruling fraught with danger to the military strength of the nation, no matter what the Normal Constitution might require. In retrospect, the most remarkable aspect of the ruling is that four justices dissented, two of them recording vigorous opposition to the majority's derogation from private property rights in the crisis.

The division within the Court disappeared completely when the justices ruled on the military draft in 1918: the decision was unanimous. Under the prevailing political and social conditions, permeated by war hysteria, superheated patriotism, and vigilante attacks on "slackers," the ruling was well-nigh inevitable. Men were, after all, being thrown into jail merely for *questioning* the constitutionality of the draft. (The attorney general went so far as to request the aid of the American Protective League, a private organization of superpatriots, to locate draft resisters. Members of the league conducted numerous "slacker raids," made some 40,000 citizens' arrests, and investigated about 3 million suspected subversives.)

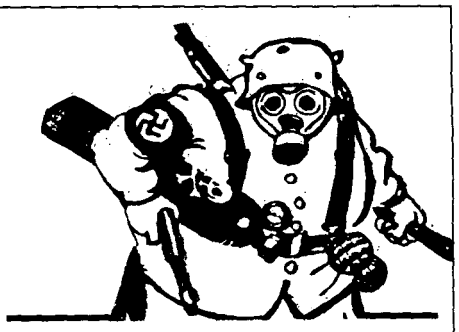
Leon Friedman has argued that the draft-law cases "were based upon superficial arguments, disregard of substantial historical evidence, and undue deference to the exigencies of the First World War—in short, that they were incorrectly decided." Nonetheless, one can see why the justices chose to transcend the Normal Constitution and uphold the draft: political elites throughout the land were howling for conscription, and without it the government's war effort would have collapsed.

Might the Supreme Court have upheld private property rights in the Minnesota mortgage moratorium case? Of course, it might have, and the actual decision rested on only a 5-to-4 margin. But farmers had suffered disproportionately in the Great Contraction. Angry and frustrated, some had resorted to violence and many others had brought ominous political pressures to bear on state legislatures. To strike down, in January 1934, the moratorium laws already enacted by 22 states would have risked setting off an explosion of farm protest and perhaps widespread violence. Forced to choose between upholding the Normal Constitution and averting a potential social and political calamity, the majority decided to avert the calamity.

When the Court ruled on the gold-clause cases, early in 1935, it faced—as it often does in cases involving public policies with pervasive impacts—an executive *fait accompli*. Was the Court to say that the government must return gold coins and certificates to millions of citizens who had surrendered them and that all those who had paid legal tender instead of gold must turn around and pay the gold as initially stipulated in their contracts? The far-reaching economic consequences of such a ruling must have given the justices pause. (So disastrous did the president consider an adverse ruling on the gold clause that, in anticipation, he prepared a radio address announcing that he would not enforce it.)

Beyond the utter confusion of the marketplace lay the disruption of the administration's monetary policy, now almost two years old. The attorney general's argument before the Court emphasized the doctrine of emergency powers and the gravity of the prevailing depression crisis; the "power of self-preservation," he declared, required transcending the "supposed sanctity and inviolability of contractual obligations." Again, given the prevailing economic and political conditions, the remarkable aspect of the decision is that four justices dissented—Justice James McReynolds read their objections with muttered asides that "the Constitution is gone" and "this is Nero at his worst."

The Supreme Court's virtual abdication during World War II reflected, even more clearly than the gold-clause cases, a *fait accompli* by the legislative and executive branches of government. The political branches had created a full-blown command economy. Was the Court, deciding cases in 1944 after such policies had been in force for years, to say that they were unconstitutional? It is inconceivable. It would, in any event, have been futile. The Court, wrote Alpheus Mason, occupied "the position of a private on sentry duty accosting a commanding general without his pass."



Precarious Position

Events during World War II demonstrate in its clearest form the logic of the Crisis Constitution. When elites and masses alike believe that national emergency is upon them, they call on the government to "do something." The political branches, acting more or less autonomously, adopt policies. By their very nature such policies entail costs to the public. The greater the costs, the more likely is public resistance. So governments take steps to conceal or obscure the costs, invariably substituting cost-hiding command-and-control measures for cost-revealing fiscal-and-market means of resource allocation. The necessary implication of this substitution is the attenuation or destruction of private citizens' rights—rights previously protected by the Normal Constitution.

After the fall of France and even more so after the Japanese attack on Pearl Harbor and the ensuing declarations of war, Americans demanded effective military action to defend the nation and subdue its powerful enemies. The political branches responded by imposing a sweeping command-and-control system. Dependent on the executive branch for enforcement of its rulings, the Supreme Court could not have prevented this development even had it wanted to; as Aristotle said, "those who carry arms can always determine the fate of the constitution."

But even more fundamental than arms themselves—for arms must be wielded by people conscious of what they are doing—is the dominant ideology. People anxiously seeking security against imminent threats to the economic viability, independence, or survival of the nation submit far more readily to a deprivation of normal rights. Many people who ordinarily would have refused to comply with intrusive government directives accepted them during World War II as appropriate to the prevailing national condition. Only because of such public support did the government's emergency measures prove reasonably effective.

In sum, the Crisis Constitution, like the Normal Constitution, rests on a broad ideological base. In the 20th century the Amer-

ican people have come to expect, tolerate, and in many instances demand that the Normal Constitution be displaced during national emergencies.

To make matters worse, however, the Normal Constitution to which we revert after a national emergency has ended *is never the same as it was before the crisis.* To some degree, aspects of the Crisis Constitution, as expressed in judicial interpretation and even more so in the body of belief that supports the constitutional system, are incorporated into the Normal Constitution. Such legacies marked the aftermaths of both world wars and the Great Depression.

After World War I the Normal Constitution included massive government participation in credit markets, communications, and transportation industries as well as enduring precedents for rent controls, military conscription, and the suppression of free speech. The Great Depression, of course, brought a profusion of government restraints and regulatory agencies and a corresponding constriction of private property rights. During 1937-42, a veritable Constitutional Revolution took place, submerging the doctrine of substantive due process in economic matters and giving unrestricted scope to federal regulatory power.

Then the events of World War II carried the Crisis Constitution to new heights, and the legacies are legion. Even after enactment of a joint resolution repealing many of the wartime statutes in July 1947, more than 100 wartime statutory provisions remained active; official states of emergency continued in force; and various new emergency measures, including a rent-control act and a peacetime military-conscription law, were enacted.

As Edward S. Corwin noted in *Total War and the Constitution* in 1947, after war, for the first time in American history, the country did not return to a "peacetime Constitution." Now the Normal Constitution included: (1) "legislative power of indefinite scope"; (2) executive power "to stimulate constantly" the use of this indefinite power "for enlarged social ends"; (3) the right of Congress to delegate its powers to the president; (4) a broad presidential prerogative to meet self-defined emergencies and to create executive agencies to assist him; and (5) "progressively expanding" administrative instead of judicial enforcement of the law.

In the four decades that have passed since Corwin made this summary, nothing he mentioned has changed. Thus the Normal Constitution of the post–World War II era has fully validated Big Government in the sense of an active, powerful, highly arbitrary government far less restrained by the constitutional checks and balances of the old Normal Constitution, a system that once curbed the interventions if not the ambitions of government officials.

Emergency powers as such continue to undergird the government's denial of numerous rights, especially in relation to international travel, commercial, and financial transactions. In upholding government actions under the International Emergency Economic Powers Act, the Court quoted with approval a lower-court decision noting that the act's language "is sweeping and unqualified. It provides broadly that the President may void or nullify the 'exercising [by *any* person of] *any* right, power or privilege with respect to...any property in which any foreign country has any interest.' " Thus, even in the early 1980s, as normal a time as one can expect in our era, the Crisis Constitution overrides and displaces the Normal Constitution.

Should a genuine national emergency arise, there can be no doubt about how the government would react. (Recall its actions in dealing with the partly spurious, partly self-inflicted "energy crisis" in the 1970s.) The private rights of Americans—such as remain—are balanced on a very thin constitutional edge.

Deadly Ratchet

Effective protection of private rights against future government invasion under color of emergency is unlikely. The experience of the past decade has shown that the procedural safeguards stipulated in the National Emergencies Act have no real effect. In any event, the problem is not procedure; it is substance—and the abuse of substantive powers.

Not much more hope can be placed in a reconstituted Supreme Court, one more devoted to individual rights and the restoration of the old Normal Constitution. Even if such judges could be found and appointed —an unlikely prospect—their resistance to the Crisis Constitution could not have more than temporary effect in an emergency. This lesson we have learned from the constitutional crisis of the mid-1930s. Even a court containing the Four Horsemen, a court willing to plunge a constitutional dagger into the collectivist heart of the New Deal, could not hold out indefinitely in the face of preponderant public support for the government's policies.

George Sutherland, as staunch a friend as the Normal Constitution ever had, expressed doubt that judges "are indifferent to what others think about their decisions" and avowed that he himself was not indifferent. Justice Owen Roberts, the "swing man" who more than anyone else bore responsibility for the Court's turnaround in 1937, later observed: "Looking back, it is difficult to see how the Court could have resisted the popular urge." He referred obliquely to the "tremendous strain and the threat to the existing Court, of which I was fully conscious." On the Court, as in other branches of government, good men are not enough.

Ultimately the Normal Constitution can be preserved against the inroads of the Crisis Constitution only if the politically influential elites who make policies and mold the opinions of the majority are willing to resist the passions of national emergency. People must understand that rights once surrendered are unlikely ever to be recovered fully.

If such understanding, and a concomitant commitment to individual rights, were widespread, we would have little to fear. As Abraham Lincoln said, "With public sentiment nothing can fail; without it, nothing can succeed." If the dominant ideology gives strong support to the Normal Constitution, it will survive, no matter what else happens.

But if the dominant ideology does not give strong support to the Normal Constitution, it will eventually be overwhelmed by the Crisis Constitution. Step by step, a ratcheting loss of rights will attend each episode of national emergency. And we may as well admit that such emergencies are inevitable.

Unfortunately, citizens in the United States today, with only a few notable exceptions, have neither an appreciation of this ratchet process nor a strong commitment to individual rights to life, liberty, and property. Therefore, the most likely prospect is for further expansion of the Crisis Constitution and a corresponding loss of the liberty our Founding Fathers sought to secure for us. ◧

Robert Higgs is the William E. Simon Professor of Political Economy at Lafayette College in Easton, Pennsylvania, and the author of Crisis and Leviathan: Critical Episodes in the Growth of American Government *(Oxford University Press and Pacific Research Institute). This article is adapted from a paper presented at the Third Annual Critical Issues Symposium of the Policy Sciences Program at Florida State University, Tallahassee.*

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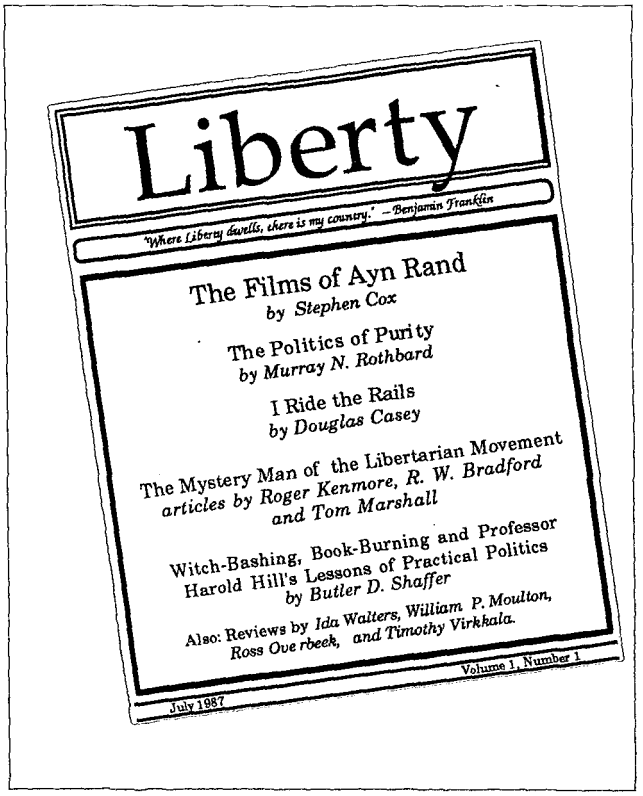
Liberty
"Where Liberty dwells, there is my country." —Benjamin Franklin
The Films of Ayn Rand
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The Mystery Man of the Libertarian Movement
articles by Roger Kenmore, R. W. Bradford and Tom Marshall
Witch-Bashing, Book-Burning and Professor Harold Hill's Lessons of Practical Politics
by Butler D. Shaffer
Also: Reviews by Ida Walters, William P. Moulton, Ross Overbeek, and Timothy Virkkala.
July 1987
Volume 1, Number 1

Among the articles scheduled for the first issue of **Liberty**:

○ "The Films of Ayn Rand"— It is widely known that Rand spent years as a screenwriter in Hollywood. But aside from *The Fountainhead*, her films are practically unknown. Rand scholar Steven Cox has hunted them all up and written a cogent review of them.

○ "The Politics of Purity"— Murray Rothbard takes to task those too "pure" to accept Ron Paul's libertarian credentials.

○ "The Mystery Man of the Libertarian Movement"— After founding the pioneer libertarian periodical *Innovator* in 1964, Tom Marshall concluded that our state-saturated society was an unhealthy place to live in and disappeared into the wilderness. We offer a retrospective of his life, a young libertarian's account of a visit to Marshall in his wilderness retreat, and an essay by Marshall himself.

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By Mark Skousen

No Experience Necessary

How would you like to earn $80,000 a year in the stock market no matter which way the market goes? Well, you can, and you don't even need a high school diploma to get started.

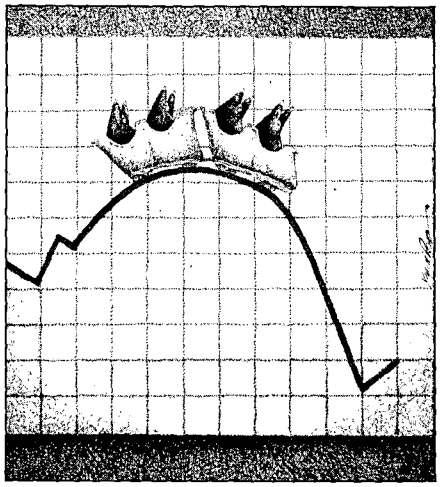
The secret? Become a stockbroker! Believe it or not, according to one authority, selling stocks is the second highest paying profession in the United States (M.D.s are first). Today people from all walks of life are walking into Merrill Lynch and signing up. There are nearly 300,000 registered stockbrokers and 430 brokerage firms in the United States. Interestingly, over 25 percent of new brokers are women, who are taking advantage of easy entry into this previously "all male" profession.

One sign of the times is a new book called *No Experience Necessary: Make $100,000 as a Stockbroker*, by former Merrill Lynch broker Bruce Eaton (Simon & Schuster, 1230 Ave. of the Americas, New York, NY 10020). It's 126 pages of salesmanship for $14.95. When I took a copy into a brokerage office, all the brokers laughed and admitted there's a lot of truth to the title.

Experience is not a prerequisite to becoming a broker, but *knowledge* is. You have to take a six-hour test, known as the Series 7 exam, administered by the National Association of Securities Dealers and you have to be sponsored by a brokerage house. The test isn't easy; 30 percent fail the first time. Most prospective brokers take a crash course first. All of this takes a couple months, and once you pass the exam, you become an official "registered representative."

Incidentally, your first official act as a broker is not a pleasant one: you have to go down to the local police station to be fingerprinted. You see, the fact that "no experience is necessary" tempts a lot of con artists into this business. To restrict convicted felons from becoming stockbrokers, the Securities and Exchange Commission started requiring fingerprints several years ago.

Working as a stockbroker is not as easy as Bruce Eaton suggests. He fails to mention that 50 percent of all new brokers quit after a year, unable to handle the ups-and-



downs on Wall Street, long hours, search for customers, client handholding, etc. It takes a special breed to make $80,000 a year.

Those of you who don't want to be stockbrokers but think you can make more than $80,000 trading your own account can still profit from a few tips about dealing with the brokers.

First, use a discount broker if you make your own investment decisions. They don't call you, you call them. They don't give orders, they take orders. Because discount brokers are paid by salary rather than commission, they gain no advantage in advising you to buy or sell. In fact, most discount brokers don't offer advice at all. And commissions are much lower than with full-service brokers.

Second, be cautious in dealing with full-service brokerage houses, such as Merrill Lynch, E.F. Hutton, Dean Witter, and Shearson. Conflicts of interest abound. Many brokers who sell a wide range of products may be tempted to steer you toward high-commission products. Generally, the highest-commission investments are "packaged deals," such as loaded mutual funds, insurance plans and annuities, managed accounts, unit investment trusts, and limited partnerships. According to Mary Calhoun, former Merrill Lynch broker and author of the forthcoming book *The Shady Side of the Street*, an individual investing $10,000 with a full-service broker will pay the following commissions:

Money market fund	zero
Treasury securities	$ 50
Common stock	100
Unit investment trust	300
Mutual fund	800
Limited partnership	1,000

If you want an eye-opening, shocking account of what can go wrong in a brokerage account, read the new book *Mugged on Wall Street*, by David X (Simon & Schuster).

Third, take advantage of small firms that specialize in such areas as foreign stocks, penny mining shares, new issues, or limited partnerships. You can profit from their limited expertise without being baited into more-expensive products. Generally, however, their commissions are as high as full-service brokers.

Fourth, get independent advice on a regular basis. You will seldom get objective, unbiased information from a full-service broker because he sells what he recommends. Hence, it pays to subscribe to independent financial publications that don't have an axe to grind: the *Wall Street Journal*, *Forbes*, *Personal Finance*, etc. (*Money* magazine is unbiased, but its information is frequently stale and conventional.) Don't expect to get objective advice from "financial planners." Over 90 percent are commission-oriented, just like brokers.

One more tip: a bull market on Wall Street makes lousy brokers look good. When a bear market strikes, the number of brokers can fall off significantly, leaving you holding the bag. It's the risk you take when you don't manage your own affairs.

If you want professional management but are skeptical of brokers, here's an alternative: buy no-load mutual funds. Those that consistently rank high on the *Forbes* honor roll (issued every September) have an excellent long-term record. Examples: Value Line Leveraged Growth, Twentieth Century Select Investors, Mutual Shares, and Nicholas Fund.

Remember, it's better to profit from experience than to rely on inexperience.

Mark Skousen is the editor of Forecasts & Strategies *and author of* High Finance on a Low Budget.

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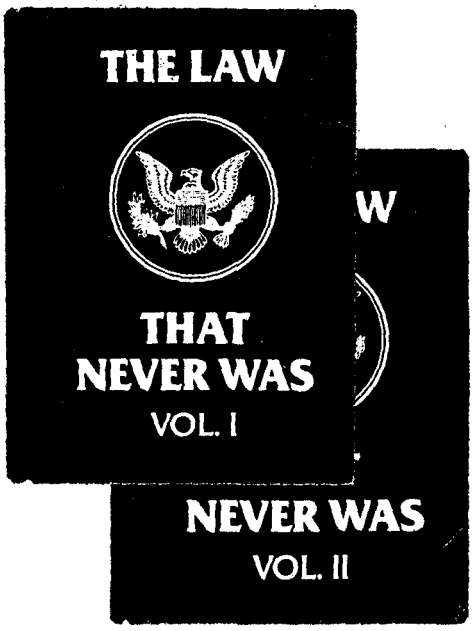

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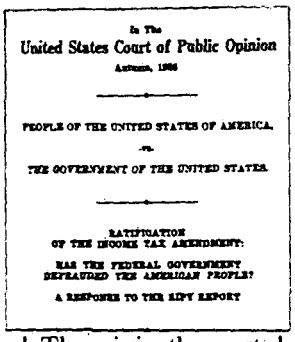
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By Kelly Ross

Exercising Freedom

On the wall in Jerry Wilson's office is a large framed photo of Albert Einstein bearing the facetiously hand-scrawled inscription, "Jerry, keep up the great work—Al."

Though the physicist died when Wilson was only 11, the sentiment attributed to him is accurate. Jerry Wilson, a mustachioed 43-year-old with tousled though balding hair, *is* doing great work—both as an entrepreneur and for the cause of individual rights.

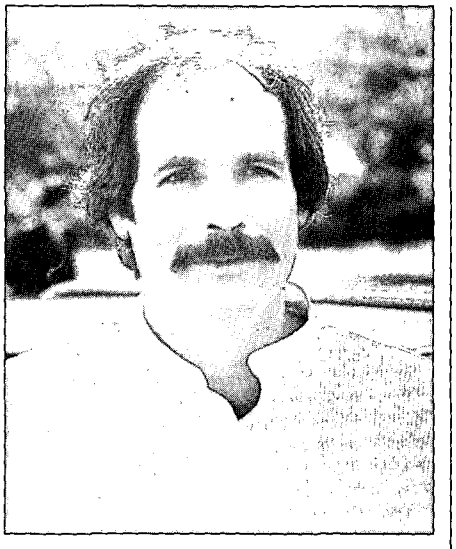
In 1978, he decided to make the childhood dream of running his own factory a reality. Bored with piloting corporate executives around the country in their Lear jets, Wilson mortgaged everything he owned and went to work in his garage on a new home exercise machine.

What emerged is Soloflex, a device that lets fitness buffs exercise all the body's main muscle groups by "pumping rubber" instead of iron. Soloflex's black rubber straps, about half an inch thick and slightly smaller than a business envelope, come in standard resistant "weights" and can be stacked just like the old iron discs.

After building 10 prototypes of the machine by himself, Wilson spent his last $15,000 of capital on an ad in *Playboy*, giving an 800-number for orders. Eight years and 125,000 Soloflex machines later, the marketing strategy has changed little. The $15,000 has grown to over $400,000 a month in advertising, and requests for information are now satisfied via free VHS "video brochures," but the only place you can buy a Soloflex (models range from $750 to $900) is still directly from the factory in Hillsboro, Oregon.

In the early days of operation, Wilson says he tried to create a company based on his adolescent utopian visions, a company where the boss and workers were good friends and where ex-convicts were given a chance to make good. For the first few years it was common practice for Wilson and his employees—some of whom had been recently released from prison—to play basketball after work and later enjoy rounds of beer together.

The result? "It almost bankrupted the company," says a chastened Wilson, dressed in his usual sweatshirt, sneakers, and Levis.



Jerry Wilson: *"In 200 years, we've passed enough laws to make sure everyone is a felon many times over."*

"The ex-cons stole us blind and the employees thought that since they were such good friends with the president they didn't need to work."

He soon gave up thoughts of utopia and, he says, "I started judging my employees solely on merit, not who was being 'buddy-buddy.' If I didn't do that, then obviously I wasn't ever going to get anybody to put out any real effort. Because if I only rewarded people who said 'yes' or who kissed my ass, then I was going to attract only the least productive and the ones who overvalued their contribution the most, instead of the most industrious and most honest."

Wilson's meritocratic, risk-encouraging management style attracts numerous inquiries from reporters of the *In Search of Excellence* genre and has landed him on the cover of a *Money* magazine issue devoted to "no guts, no glory" entrepreneurs. Soloflex's sales will reach $20 million this year, and the company soon expects to introduce the first "interactive" exercise machine—a computerized robotic boxer. Instead of laid-back basketball games, Wilson now encourages his 100-odd employees to join him in helicopter-flying lessons.

But it was his high-profile involvement—both financially and as a primary spokesman—for an unsuccessful 1986 Oregon ballot measure to legalize marijuana that garnered him appearances not only on local television programs but also alongside Bryant Gumble on NBC's "Today" show.

"When you hear a whole bunch of stuff coming out that you know is wrong and you know that it's going to do harm, then what choice do you have but to stand up and start yelling back?" explains Wilson.

Did his involvement in the campaign elicit any reaction from other members of the Oregon business community, especially after his televised statement that George Washington himself grew and used the controversial plant? (Citing Washington's own journal entries regarding "hemp," Wilson declared on the air, "If it's good enough for the founding fathers, it's good enough for me.")

"Those who didn't want to hear what I had to say, I think I just angered them. Of course, it seems that anyone who says something in defense of marijuana is viewed as advocating drug use. And it's so silly, because here we are with the worst drug [alcohol] being perfectly legal and decimating our society, while marijuana is illegal even though it's much less addictive and harmful."

Wilson's articulate "yelling" was prompted by a long-held and passionate belief in the sanctity of individual rights. "If we were a nation founded upon principle—and there's only one principle, don't do to other people what you don't want them to do to you—and all the laws met that test, then we would essentially have regulations and guidelines instead of laws," says the former military cadet, who was expelled just one semester shy of prep-school graduation after building a brewery in the chemistry lab.

"But in 200 years we've passed enough laws to make sure everyone in society is a felon many times over—they're just not caught. And when you have that situation, the real crime is not breaking the law but being caught."

Kelly Ross has a public-affairs consulting business in Oregon.

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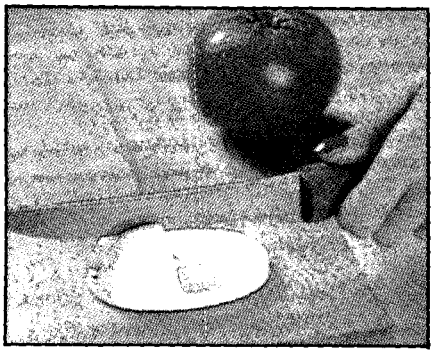

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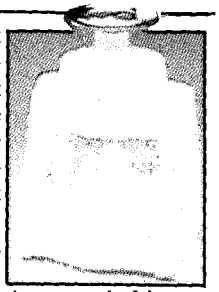

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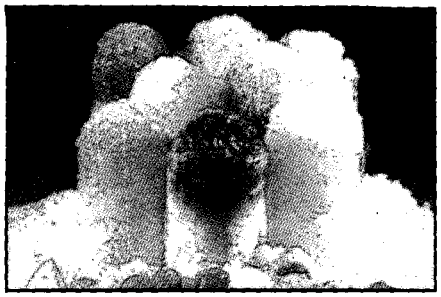

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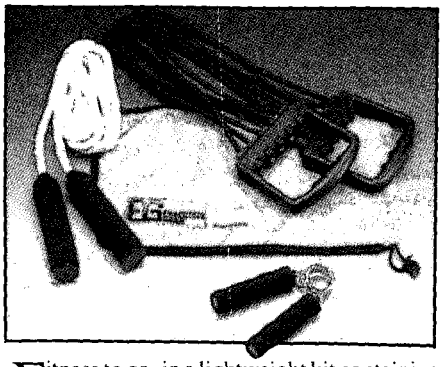

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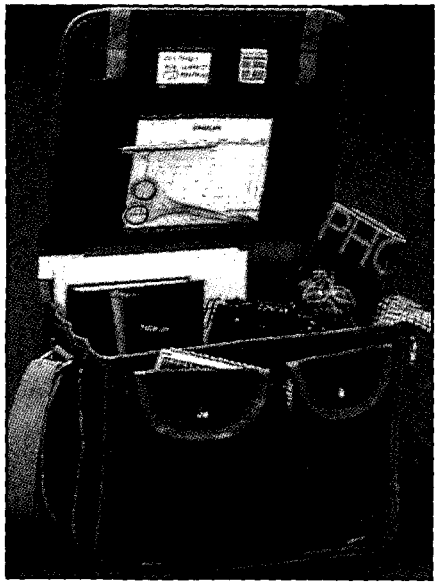

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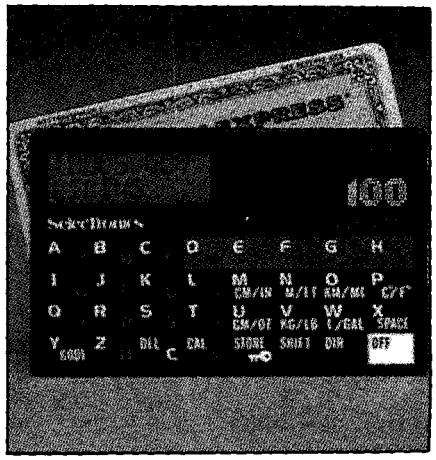

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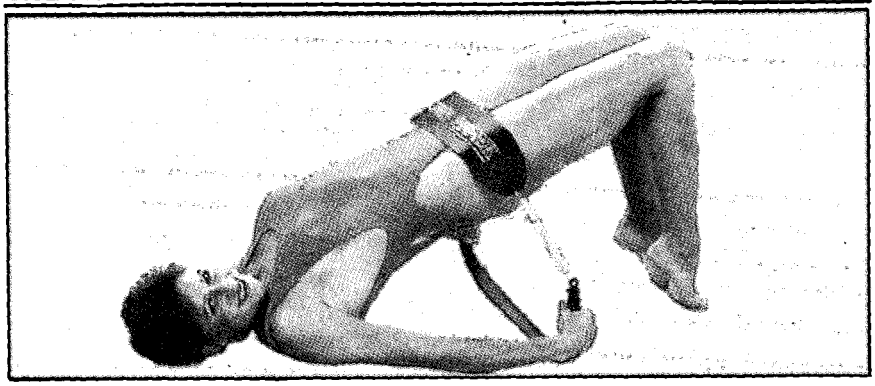

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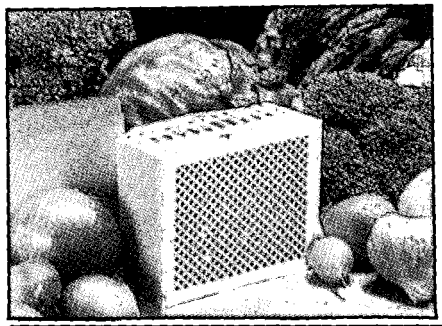

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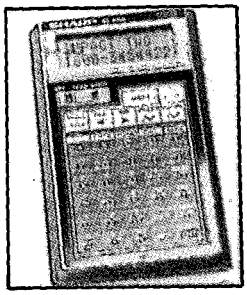

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life and liberty

"The Prisoner" Revisited

By Larry Niven

I first heard about it 20 years ago from other members of the Los Angeles Science Fantasy Society. We were all fans of "Secret Agent," the British spy show. Now the star, Patrick McGoohan, had directed and starred in a new TV series. "The Prisoner" was due to appear on American screens. Some friends had already seen episodes from England.

What was it like? Nobody could give me a straight answer. Hard to describe. Not a spy show. Cryptic. Surreal. You never knew quite what was going on.

A dozen of us took to meeting at the home of Barry and Lee Gold to watch the show.

It's still hard to describe.

First: the opening. We watch McGoohan, in something very like his John Drake, Secret Agent persona, drive an idiosyncratic race car (license: KAR 120C) into an underground garage. He stomps through corridors. He rages across a desk at a person unknown. Thunderstorm sounds drown out what must be accusations.

An automatic sorter picks out a card with McGoohan's picture on it. It's consigned to a file stamped "Resigned." The name is unreadable.

McGoohan drives home. He furiously packs a suitcase. A cadaverously tall man in formal dress and a stovepipe hat, a classic undertaker, climbs stairs to McGoohan's house. Gas streams through the keyhole and under the door. McGoohan starts, then falls over.

He wakes bewildered, in a strange place: "The Village."

A man who identifies himself only as "Number Two" addresses McGoohan as "Number Six" and demands information. McGoohan refuses to cooperate. "I am not a number!" he shouts. "I am a free man!"

Various episodes give us more details, but it's a jigsaw puzzle with pieces missing. Where is the Village? Who is running

it? Why was Number Six imprisoned? Number Two appears to be in charge, but each episode begins by introducing a new Number Two. The questions are constant.

"Why did you resign?"

"Who is Number One?"

So: the Village. It's a kind of luxury high-tech prison. Number Six is one of several hundreds of prisoners, any of whom might be Establishment personnel under cover and any of whom might be subverted. They live a life that is almost normal, subject to compulsory rituals and makework. Life in the Village echoes life in some calm British backwater, with glimpses of advanced technology and touches of life in a prison or an insane asylum. The doors of the houses open and shut by themselves (or sometimes lock themselves). There are cameras inside and outside; there are not even closed vehicles; no privacy is possible. The guards are not always visible, but they're always there.

One may be summoned to face Number Two at any time, or simply dragged away. (And no notice is ever taken of Number Two's dwarf butler, but he's always there.)

Number Six's commitment never falters. He will resist the Establishment's attempts to control his mind and actions, and he will escape.

The Establishment's commitment is to break his spirit and learn his secret. "Why did you resign?" Number Six finds it impossible to learn where he is, who's running the Village, why he's there, what they want of him. Maps show the Village surrounded by sea and unknown terrain.

From time to time Number Six escapes and is brought back. Or thinks he has escaped, as part of some elaborate plot by his captors to learn his secret.

It was wonderful. We sat around the Golds' living room and talked about what we had seen. I learned to whistle the music. I still can.

Part of what made the show live was the ingenuity:

The Village puts on an art show. Number Six's contribution is abstract art, three pieces of wood, titled "Escape." Number Six gives a senseless, pretentious explanation of its meaning; Number Two, as art critic, pretends to understand. That night Number Six assembles his entry into a boat and takes off.

The establishment has trained a double, to rob Number Six of his sense of identity. His name? "Number Twelve."

Number Two (different every show, remember) claims to know Number Six inside and out. His dossier is complete down to how he likes his tea (one lump). Oh, yeah? Number Six drops four sugar lumps in his tea, and Number Two turns purple with anger.

As part of an attempt to set up a rebellion, Number Six begins acting as if he has authority. He'll be taken for a member of the Establishment! It works too well. He must be what he claims; he's luring his followers into rebellion in order to betray them. And one betrays him first.

The odd thing was, I had no good excuse for liking the show.

For Number Six and for the viewer there are no clear answers, no certainties anywhere. The Village may be real or may be

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an extended metaphor for society itself. The shapeless, translucent guard-things that smother escapees may represent the shapeless force of social pressure. The story line becomes ever more surrealistic as the series approaches those cryptic last episodes.

Science fiction of the day was full of such stuff.

Early science fiction had emphasized solid story lines with beginnings and middles and ends, realism or at least plausibility, innovative use of current science and engineering to shape fantastic environments, and strange cultures, problems, and puzzles with unique solutions. The New Wave of the '60s threw all that away in favor of other values. Characterization and social relevance got lip service. What emerged was metaphors and allegories, contorted stories and non-stories, and imaginative punctuation and typesetting.

I never wrote like that. I'd only been writing for four years or so when "The Prisoner" first aired, but I had a solid opinion of what makes a story. In my own stories the reader always had the chance to learn what was going on. I rarely used metaphors or surrealism. (Sometimes I used symbolism, but I hadn't gotten good at it.)

"The Prisoner" was everything I'd been avoiding—and I loved it.

It was superior to other television fare, but that's easy. TV series in the United States...well, my English teachers would not have recognized them as stories. A series episode leaves the situation as it began. Otherwise the writers would get lost, and so would the viewers.

In "The Prisoner" a story is telling itself...a cryptic, nebulous story, but with a clear progression of events. It develops slowly. In the first handful of episodes, Number Six always fails to break free. The Establishment wins every time. In the middle sequence, Number Six begins accumulating minor victories: freeing other prisoners, defeating Establishment plans inside and outside the Village. He's learning. By the last several episodes he's trying to manipulate the system itself and often succeeding.

At the end he destroys the Village. Or does he?

There were three spinoff "Prisoner" novels. I knew all three of the authors, and what they did was surprising.

Tom Disch usually writes of hapless, helpless protagonists, the playthings of fate. In the series, Number Six was usually a man of action; but Disch broke him out in entirely passive fashion, letting him crawl out under a makeshift turtle shell while the rover guards bounced futilely around it. Ultimately Disch left him running loose.

David MacDaniel was a happy, optimistic writer. His worlds are logical, the problems solvable: moderately "hard" science fiction. But at the end of his "Prisoner" novel, Number Six had been recaptured—and even the author didn't know how. (I asked.)

Hank Stine's story was an exercise in solipsism. The universe would vanish if Number Six ever fully accepted that he had escaped the Village.

We discussed the novels. We heard tales of events during filming. We learned something about Portmeirion, the resort in North Wales where the shows were filmed. Portmeirion is an idealized village, a fantasy village, impossibly pretty. Barry and Lee showed us brochures. Some of us visited the place while in Britain for the World Science Fiction Convention. The locals

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swore they'd never do it again; the TV crews were always in the way.

We learned that the guard-things were to have been robots. There was some trouble getting them to work. McGoohan's solution used weather balloons. Ultimately the guards (at first nameless, later called "rovers") were translucent, mobile bubbles. They would run down an escaping prisoner and smother him into unconsciousness: a much better metaphor for restrictive social pressure, if that's the answer you like.

The show fit the mood of the '60s...or did it? Rebellion, sure. Number Six is always opposed to the Establishment, always balls-out to regain his freedom, almost always operating alone. But he's learning how to manipulate the rules; he even runs for office...and he's over 30, for God's sake! Too old to be a hippy.

Was "The Prisoner" a spy show? Sure, but there were always aspects of science fiction: the Establishment's technology, and particularly the guards. The premises became progressively wilder. At the end it verged on pure fantasy.

Those last two episodes are the ones that start the arguments.

"Once Upon a Time" is a drastic version of what has gone before. Number Two wipes Number Six's memory (the Establishment has used such powers before), then sets forth to recap his entire life story. Number Two plays his father, teachers, drill instructor: every authority figure in Number Six's past. Gradually we watch Number Two lose control...until Number Six is running the show, hounding Number Two to death. The last blow comes when the butler changes alliance. He now serves Number Six.

And then Number Six is summoned backstage.

"Fallout" begins here. Backstage is entirely surrealistic. Curved conference tables house scores of robed and masked figures; placards label them for domains of authority. A clown-figure/rock singer/dissident has been summoned for repentance and punishment; he shows no repentance at all. Number Two is restored to life by something like a pressure cooker. Number Six, impossible to destroy, is invited to take over everything...

I was tempted to describe the whole episode, giving a mere list of events. But they kept piling up. What was important? Who went off in the rocket? Was the Establishment extraterrestrials? I hadn't mentioned Number Two's butler, the dwarf, "the little man" whom the politicians serve, though they sometimes forget. When Number Six breaks out and returns to London, with the reformed Number Two and the rock-singer/rebel/clown, "the little man" is there. When he enters Number Six's home, the door swings open by itself.

I finally realized what I was doing. I described everything because I couldn't condense. You can't condense what you don't fully understand.

Leave it at this. You've seen parts of what I saw when I watched "The Prisoner." What you see may be different.

The 17 shows are available from Publishers Central Bureau. I hear rumors of a "Prisoner" computer game. I can still whistle the music. "The Prisoner" will always appeal to the type of people we were and are. We have never accepted our place in the Village.

Larry Niven is the author of Ringworld, The Integral Trees, *and other science fiction works.*

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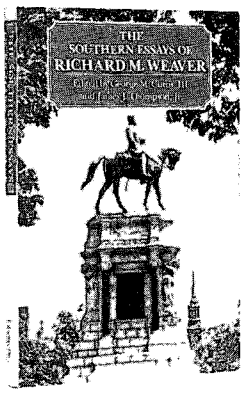

THE SOUTHERN ESSAYS OF RICHARD M. WEAVER

Foreword by George Core
Edited with Preface by
George M. Curtis, III and
James J. Thompson, Jr.

Richard M. Weaver (1910-1963) was one of the leading figures in the post World War II development of an intellectual, self-conscious conservatism. Yet following his untimely death his work, for the most part, faded from view, though his most important and widely cited book, *Ideas Have Consequences* (Chicago, 1948), still is in print.

Weaver's appreciation of liberty was rooted in his understanding of Southern history. He discovered, "... in his native' land the evolution of a 'social bond individualism' that had emanated from the environs of Concord and Walden Pond." This collection of fourteen of Weaver's essays on the South and Southern history is presented in demonstration of George Core's point that "few critics of the South rival Richard Weaver in comprehensiveness of vision and depth of thought...."

Among the essays included are "Lee the Philosopher" (1948), "Agrarianism in Exile" (1950), "The Tennessee Agrarians" (1952), and "Two Types of Individualism" (1963).

George M. Curtis, III is Professor of History at Hanover College and James J. Thompson, Jr., is Book Review Editor of *The New Oxford Review.*

266 + xxii pages. Foreword, preface, acknowledgments, index.

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The Poor, Poor Welfare State

By Walter Williams

In the Shadow of the Poorhouse: A Social History of Welfare in America
By Michael B. Katz, New York: Basic Books, 352 pages, $22.95

Michael Katz's *In the Shadow of the Poorhouse* itself is in a shadow of sorts—it appears not to have seen the light of new research and questions about the efficacy of government antipoverty programs raised by scholars like Charles Murray in *Losing Ground* and Thomas Sowell in his many publications, such as *Ethnic America*, *Civil Rights*, and *A Conflict of Visions*. Katz never comes to grips with a core question about compassionate help: If we try to help people, what is the effect on their own incentives to help themselves? Leaving that question unasked and unanswered goes a long way toward explaining what we have now: dependent people who are immune to the only effective antipoverty medicine—economic growth.

The most redeeming feature of Katz's book is its historical description of early American responses to poverty. Through an interesting discussion of 18th- and 19th-century poorhouses and old-age homes and the emergence of public relief, Katz gives us an account of how we arrived at what he calls the semi-welfare state. Had he stuck to history, his book would have been a valuable addition to our library shelves as a handy reference.

Unfortunately, he goes beyond description to faulty analysis. His basic theme is that if Americans would move more diligently toward a complete welfare state we could solve our poverty problem. But that argument appears mostly in the book's later chapters; so let us focus on his earlier gems.

We see how Katz views the world through his list of some of the causes of poverty. He says the 5 million immigrants who came to America between 1820 and

1860 "intensified the problems of poverty." Yet we all know immigrants did not come to America to be poor. Upon setting foot on American soil, they instantaneously became richer, in the economists' present-value sense, than had they stayed at home, for their potential future earnings rose dramatically. Of course, for a while they were a bit poorer than their new neighbors.

In a section entitled "From Poorhouse to Flophouse," Katz recalls the "wretched" conditions in which men lived in close quarters that did not smell very nice. Today, flophouses have fallen victim to local regulations and the federal bulldozer—with the result that vagrants and derelicts have nowhere to sleep and city officials frantically search them out on bitter cold nights to prevent death from freezing. So we might ask who benefited from the elimination of flophouses—vagrants or the middle-class elite whose sensibilities were offended?

In the middle chapters, Katz covers American and British settlement houses, vagrancy laws, and the emerging labor movement. The historical references seem accurate, but his commentaries on the labor movement leave something to be desired. He mentions "state-sanctioned" violence when companies used the Pinkertons or got the help of troopers to put down strikes but does not mention union violence, including murder, when companies sought the use of other workers to replace their striking employees.

"War on Poverty to War on Welfare," the last section of Katz's book, helps us understand his vision of the world. He expresses sympathy with the '60s attack on tough eligibility requirements for Aid to Families with Dependent Children (welfare was denied those not providing a "suitable home"). He belittles "pervasive fears" about the impact of welfare on morality, fraud, and the labor supply—fears that were partly responsible for such tough eligibility requirements—by quoting a man of suspicious character like Arkansas's Gov. Orval Faubus. "By taxing the good people to pay for these programs, we are putting a premium on illegitimacy never before known in the world," opined Faubus.

All I ever knew about Faubus was his obstinance over school desegregation in Little Rock and President Eisenhower's use of troops. His inept handling of this episode did not engender much respect. However, since Katz brought this quote to my attention, Faubus has moved up a notch in my eyes. Faubus *qua* economist was hypothesizing that if you subsidize something you just might get more of it. In fact, civil rights organizations got their way and reduced welfare eligibility requirements. In turn, illegitimate births among blacks have escalated so much that they are the highest in all the developed countries. Faubus had a point.

Like other social reformers, Katz is fully aware of the visible beneficiaries of public policy but blind to its "invisible" victims.

GWYN STRAMLER

He sees the expansion of federal programs like social security and unemployment compensation as a good thing. Unfortunately, Santa Claus does not foot the bill for these goodies. They are financed through higher payroll taxes. That means workers are more costly to employers. Employers respond by substituting capital for labor or higher-skilled workers for low-skilled. Both responses to higher labor costs discriminate most heavily against the low-skilled worker for whom Katz's heart bleeds.

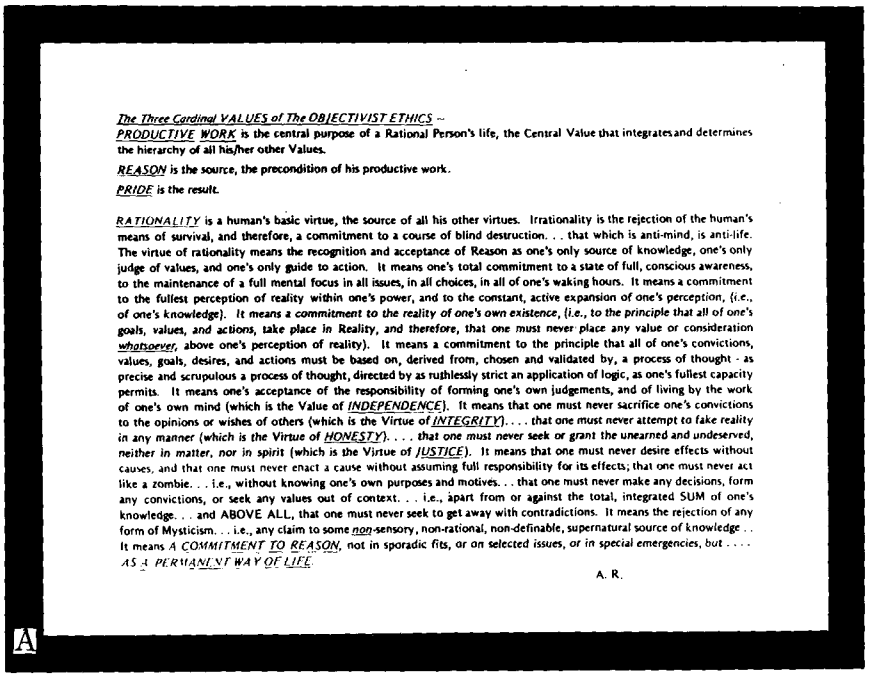
Katz sees another part of the poverty problem as resulting from older industries deserting older American cities for the sunbelt or the Third World, the exodus of middle-class people to the suburbs, poor schools, and high minority unemployment. Yes, these factors explain some of the problem, but they are not acts of God. One is reminded of Caius Gracchus who, in 58 B.C., decreed that every Roman citizen should have free wheat. After a while, the misguided chap saw farmers leaving the countryside to live in Rome without working.

Emperors of New York, Newark, and Detroit have not benefited from Gracchus's experience. With federal assistance, they have laid out a welcome mat for people to come to their cities without working. This hospitality is financed by high taxes on the productive, who eventually flee, as Katz observes, to the suburbs and sunbelt. In addition to destructive public policies such as easy welfare, high minimum wages, occupational licensure, lenience toward criminals, and fraudulent education, cities like New York throw in rent control for good measure. As has been noted, short of aerial saturation bombing, rent control might be one of the most effective means of destroying a city.

A book like Katz's would not be complete without a bit of Reagan-bashing, which is introduced in a section entitled "The War on Welfare." There is the usual fabrication about Reagan cuts in social spending. As is well known among those who wish that Reagan *had* managed to effect such cuts, their existence is a myth. Reagan's 1984 campaign even featured boasts of how his administration increased social spending.

To Reagan's call for voluntarism to help the needy, Katz scornfully replies that "voluntarism never was and never will be able to meet the needs of poor and dependent Americans." But from the evi-

AYN RAND'S OBJECTIVIST ETHICS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RATIONALITY is a human's basic virtue, the source of all his other virtues. Irrationality is the rejection of the human's means of survival, and therefore, a commitment to a course of blind destruction. . . that which is anti-mind, is anti-life. The virtue of rationality means the recognition and acceptance of Reason as one's only source of knowledge, one's only judge of values, and one's only guide to action. It means one's total commitment to a state of full, conscious awareness, to the maintenance of a full mental focus in all issues, in all choices, in all of one's waking hours. It means a commitment to the fullest perception of reality within one's power, and to the constant, active expansion of one's perception, (i.e., of one's knowledge). It means a commitment to the reality of one's own existence, (i.e., to the principle that all of one's goals, values, and actions, take place in Reality, and therefore, that one must never place any value or consideration whatsoever, above one's perception of reality). It means a commitment to the principle that all of one's convictions, values, goals, desires, and actions must be based on, derived from, chosen and validated by, a process of thought - as precise and scrupulous a process of thought, directed by as ruthlessly strict an application of logic, as one's fullest capacity permits. It means one's acceptance of the responsibility of forming one's own judgements, and of living by the work of one's own mind (which is the Value of INDEPENDENCE). It means that one must never sacrifice one's convictions to the opinions or wishes of others (which is the Virtue of INTEGRITY). . . . that one must never attempt to fake reality in any manner (which is the Virtue of HONESTY). . . . that one must never seek or grant the unearned and undeserved, neither in matter, nor in spirit (which is the Virtue of JUSTICE). It means that one must never desire effects without causes, and that one must never enact a cause without assuming full responsibility for its effects; that one must never act like a zombie. . . i.e., without knowing one's own purposes and motives. . . that one must never make any decisions, form any convictions, or seek any values out of context. . . i.e., apart from or against the total, integrated SUM of one's knowledge. . . and ABOVE ALL, that one must never seek to get away with contradictions. It means the rejection of any form of Mysticism. . . i.e., any claim to some non-sensory, non-rational, non-definable, supernatural source of knowledge . . It means A COMMITMENT TO REASON, not in sporadic fits, or on selected issues, or in special emergencies, but . . . . AS A PERMANENT WAY OF LIFE.
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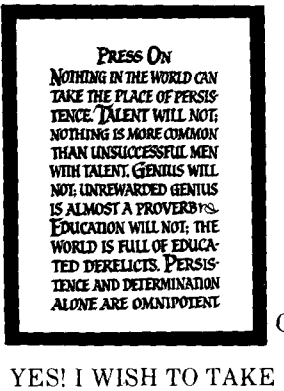
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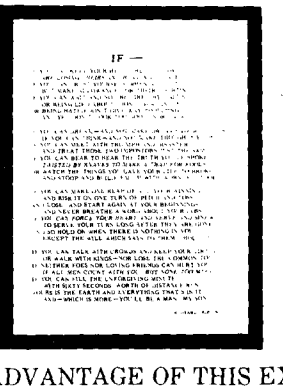

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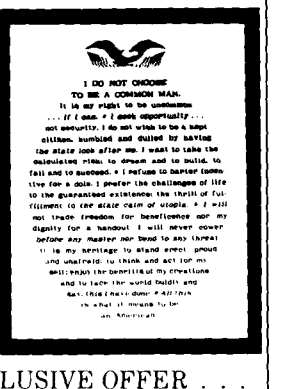

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dence compiled since Johnson initiated his War on Poverty programs, it is clear that massive government expenditures on poverty eliminate neither poverty nor dependence. More importantly, we have to ask Katz how the progeny of all those poor Italians, Irish, Jews, and Japanese who graced our shores in the 1800s managed to melt into the mainstream of American life without foodstamps, AFDC, CETA, Upward Bound, Headstart, and so on. And why do the poor (blacks, Hispanics, and American Indians) who have been blessed by these programs appear to be desperately locked into poverty and dependence?

In addition to Reagan-bashing, Katz lays a gratuitous insult on blacks. Predicted city riots in the wake of Reagan-era social spending "cuts" have not materialized, he explains, because of "heightened sophistication of the apparatus of repression. Cities have invested heavily in modern riot control technology; they will not be caught unprepared again." It never dawns on Katz that *maybe* blacks have learned it is not a good idea to put the torch to their own neighborhoods just because they are mad at whites.

Like many other social reformers, Katz fails to appreciate that poverty is no mystery. Poverty is man's standard fate throughout most of the globe and throughout his entire history. The true mystery is how it is that a tiny fraction of this planet's population (mostly in the West), for a tinier fraction of history, escape the fate of their fellow men.

For the most part, people or nations are poor because they cannot produce very much. But analysis like Katz's suggests people are poor because they are not paid very much. The logical conclusion of this kind of thinking leads to an emphasis on income redistribution rather than efforts towards increased productivity. Sadly, there is little evidence of people, or nations, becoming wealthy through income redistribution. We do a major disservice to the poor to teach them that society owes them something instead of teaching that wealth comes from serving one's fellow man—through productivity.

Contributing Editor Walter Williams is a professor of economics at George Mason University and the author of The State Against Blacks.

Is God a Closet Capitalist?

By Paul Heyne

Will It Liberate? Questions About Liberation Theology
By Michael Novak, Mahwah, N.J.: Paulist Press, 311 pages, $14.95

Poverty and Wealth: The Christian Debate over Capitalism
By Ronald H. Nash, Westchester, Ill.: Crossway Books, 223 pages, $8.95

Why do so many Christian thinkers condemn capitalism? And are their criticisms justified? Those questions have been around for a long time. Marx and Engels commented on them in *The Communist Manifesto*, concluding that "Christian Socialism is but the holy water with which the priest consecrates the heart-burnings of the aristocrat." The discussion has waxed and waned since 1848 and seems currently to be well advanced into a waxing phase. While each new phase inevitably resurrects a fair number of tired arguments that were long ago resolved to the satisfaction of everyone who was paying attention, the controversy has never settled down into a completely predictable pattern of claims and counterclaims.

In large part this is due to the continuing evolution of both capitalism and Christianity. Whatever "capitalism" meant to Marx, it would have to be described very differently today. So would Christianity. Whether it is old truths that are being recovered or new errors that are being invented, there can be no doubt that the actual teachings and practices of professed Christians have undergone significant changes since "capitalism" first caught the attention of moral theologians.

One of these new developments is "liberation theology," the subject of Michael Novak's latest book, *Will It Liberate?* Novak spends very little time on the explicitly theological considerations that generated liberation theology in Latin America about 20 years ago, because he believes the issues in contention are almost entirely in

the realm of political economy. The crucial issue, as he sees it, is the rejection of capitalism. Liberation theologians hate capitalism. They endorse socialism and even identify it in some cases with the establishment of God's reign on earth.

Novak's response is that they do not understand capitalism, largely because they have hardly experienced it. What they know is not capitalism at all but the statist, semi-feudal, traditionalist, elitist social systems that dominate Latin America. Their intense and thoroughgoing repudiation of what they mistakenly identify as capitalism has prompted liberation theologians to subscribe to a Marxist (or semi-Marxist) view of social systems that blinds them both to the achievements of capitalism and to the dismal record of socialism. They consequently repudiate the only system of political economy that has actually produced liberation—from ignorance, tyranny, and poverty—even as they urge, in the name of God, a vaguely defined socialism with no demonstrated capacity to liberate anyone.

Novak struggles to make his case carefully and fairly. He wants to change the perceptions of those with whom he is arguing, not simply to win a debate at their expense. The account in the appendix of his conversations with Hugo Assmann exemplifies this earnestly dialectical intention. "All parties to the debate share one same Christian faith," Novak asserts, which implies for him that reconciliation of deeply opposed viewpoints is possible if the contending parties will argue strenuously while listening to one another and paying attention to the evidence.

Although Novak makes no attempt to spell out for the reader the theological considerations that have helped to produce liberation theology, he does devote a considerable part of the book to an explication of his own "theology of the liberal society." I wonder if he hasn't chosen exactly the wrong pair of options at this point.

The trouble with theological arguments is that they too often transform already complex questions into even more complex ones—precisely what happens in Novak's chapter "The Constitution of Liberty." The presentation moves on a level of abstraction so high that it could never be persuasive to anyone not convinced in advance. His theologizing will mainly be useful, I suspect, to those who wish to reject entirely Novak's arguments against socialism and on behalf of capitalism, and

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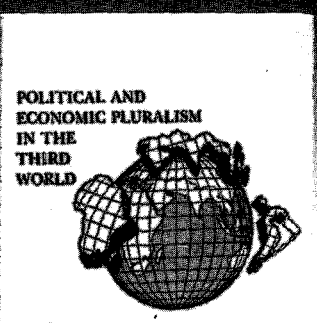

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who will be able to excuse themselves from serious consideration of those arguments by focusing on and then repudiating his theology.

It is hardly surprising, after all, that Novak can construct a theology to support his own social analysis. A more difficult and perhaps more helpful task would have been to show that his social analysis can be reconciled with the theology or ideology of his opponents. This would, of course, require an articulation of the explicitly theological and more particularly Biblical elements in liberation theology. It would bring out the strongly antihierarchical thrust of liberation theology, just possibly calling into question Novak's assumption that the writ-

They repudiate the only system that has actually produced liberation.

ers with whom he is contending share his own, Roman Catholic, understanding of the Christian faith.

I simply do not believe that any substantial number of liberation theologians are going to enter the dialogue that Novak wants to foster unless they are first persuaded that the defenders of capitalism have understood the theological roots of their position. They will want to know how "the spirit of democratic capitalism," celebrated by Novak in an earlier book with that title and again in the present volume, can be reconciled with the New Testament emphasis on the "kingdom of God" and on the subordination of self in a community characterized by concrete acts of mutual care and sharing. Because Novak does not address that question, I fear that his commendable efforts to stimulate dialogue will end largely in frustration.

Ronald Nash, by contrast, does not seem to be much interested in dialogue. His book *Poverty and Wealth* has very little to say about "the Christian debate over capitalism," despite its subtitle. There are a few brief discussions of explicitly Christian arguments about the appropriate organization of economic life, frequent citations from the writings of economists who are also Christians, and numerous refer-

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ences to Christian concerns, interests, and obligations. Essentially, however, this is a book on economics. As Nash tells us at the end of the first chapter: "I have written this book in the hope that it can make some small contribution toward reducing the bad consequences that have resulted from bad economics."

The economics that Nash teaches is basically the Austrian variant, emphasizing the subjective, individualized value of goods. He presents it simply, clearly, forcefully, and with hardly a hint that there are some important issues in economics on which intelligent, well-informed, and well-intentioned people might legitimately disagree. For him, the truth is known. All that remains is to disseminate it, especially among those who want to improve the lot of the poor. They must be shown that only capitalism can accomplish this task and that "interventionism" (government intervention in economic matters) is not compatible with but rather fundamentally subversive of capitalism. Nash asserts that "every instance of governmental intervention with the economy will fail and produce consequences opposite to what was expected."

Every instance? There are readers of this magazine who would probably agree, and no doubt a lot of Christians who will sound a loud amen to this and similar statements made by Nash. That may in fact be the function of the book: to elicit amens. The book will certainly not convince the unconverted, who won't think of reading it. Nor will it help anyone understand why so many Christians—including, in recent years, a growing number of theologically conservative Christians—entertain deep misgivings about capitalism. References to the sordid war of the Christian left against economics indicate the depth of the author's own convictions, but they don't really explain why Nash finds capitalism consistent with, almost mandated by, a Biblically based theology, while others, equally committed to Biblical authority, come to conclusions that are almost directly opposite.

It is always possible, of course, that one's opponents are insincere or that they are in the grip of an ideology that finally blinds them to the truth. For an author who wants to discuss the Christian debate over capitalism, however, that would have to be the conclusion of the argument, not its premise.

Paul Heyne is a professor of economics at the University of Washington.

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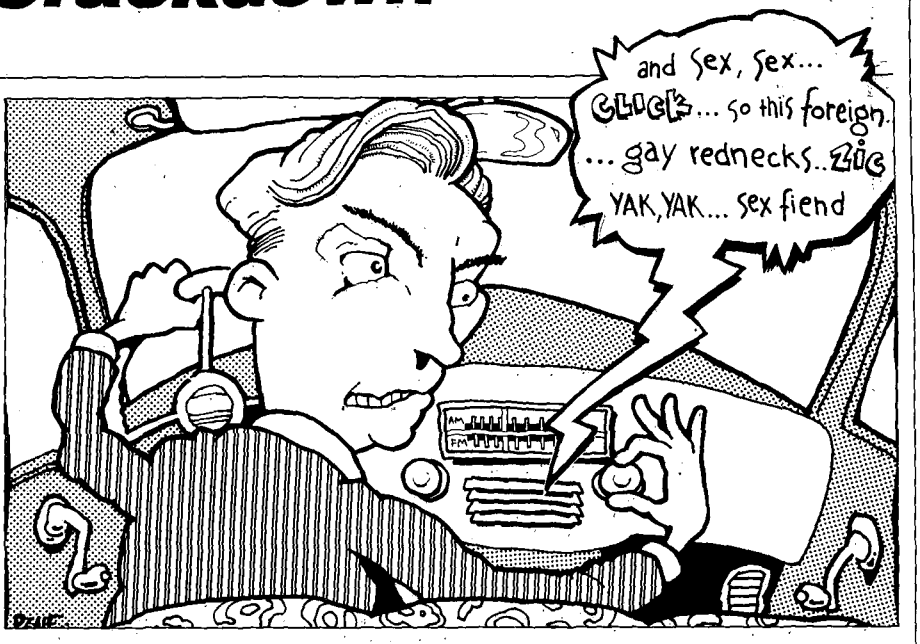
viewpoint

By Alan W. Bock

Raunch 'n' Roll Crackdown



For a while there it looked as if the Federal Communications Commission, under Chairman Mark Fowler, was going to be the only federal agency in the Reagan administration to engage in some genuine deregulation. Fowler had questioned and slightly liberalized the federal licensing procedures for broadcast media, criticized the misnamed Fairness Doctrine, and generally preached the gospel that the success or failure of a TV or radio station ought to be determined by viewers or listeners out there in the marketplace rather than by bureaucrats in the corridors of Washington, D.C. Good for two cheers, at least.

But then the pesky marketplace started showing some unfortunate proclivities. "Shock radio," featuring morning disk jockeys with few inhibitions about marginally dirty words and downright suggestive innuendos about—you know—do I have to come right out and say it?—all right, S-E-X—started to infest the airwaves. So on April 16 (yup, the day after Tax Doomsday, but well before Tax Freedom Day when we're finished paying our more-than-a-tithe) the FCC announced that broadcasters will have to wash out their dirty mouths with government-approved (presumably OSHA-inspected) soap.

Specifically, the FCC announced that its standard of what constitutes obscenity will be broader and vaguer than it has been in the recent past. Since George Carlin's hysterically funny monologue about the "seven words you can't say on television" was broadcast in 1975 and led to a 1978 Supreme Court decision upholding a decency standard for the airwaves, the FCC has pretty much limited itself to a narrow definition of obscenity. Stations that avoided George's seven words could feel reasonably sure that the FCC wouldn't come after them.

Now the FCC has reached back into that Supreme Court decision and resurrected broader language in order to proscribe "language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." There's an irony here that few have noted.

The FCC, by warning but not prosecuting New York and Philadelphia shock-jock Howard Stern by name, made it clear what sort of broadcasting it intended to control. Stern's ratings (and income) have soared since he started talking dirty and insulting people. In Dallas, James "Moby" Carney went from 15th place to first after switching to a format in which "I pick on gays. I pick on fat white guys, rednecks, and foreigners."

In Houston, KLOL's shock format moved the station from third to first in the marketplace, and ad rates increased from $200 to $275 per minute. Carolyn Fox, on WHJY-FM in Providence, Rhode Island, doubled the 18-to-24-year-old male audience share to a whopping 40.1 percent in two years.

That should tell you something about what is or isn't "patently offensive as measured by contemporary community standards for the broadcast medium" in cities that have shock jocks. The people seem to have spoken (at least for the moment—radio is notoriously faddish), and not many of them have the sort of refined sensibilities and tastes our bluenoses might prefer.

If the shock jocks hadn't become so popular—indicating that community standards are in reality something other than what Jerry Falwell might have hoped—would the FCC have moved to impose a "community standard" so markedly different from that expressed by real people through the marketplace?

An interesting question. The FCC also took action against KPFK-FM, a listener-sponsored Pacifica Foundation station in Los Angeles with a miniscule audience able to tolerate its hard-core nostalgic leftism. KPFK had broadcast a play about homosexuality whose allegedly graphic descriptions "may have crossed the line" to obscenity. Much of KPFK's audience would no doubt love to believe that the FCC action represents Reaganite political censorship.

Whether it's puritanism or political repression, however, the real question is why the electronic media and their audience continue to tolerate government restraint in a country where "Congress shall make no law...abridging the freedom of speech, or of the press"? The historical answer is that Congress decided in the 1920s that radio was not simply the press with new technology but something new under the sun that required a declaration that "the people" owned the airwaves and the government would have to allocate them. Perhaps the real answer is inertia: We've always done it that way—why rock the boat?

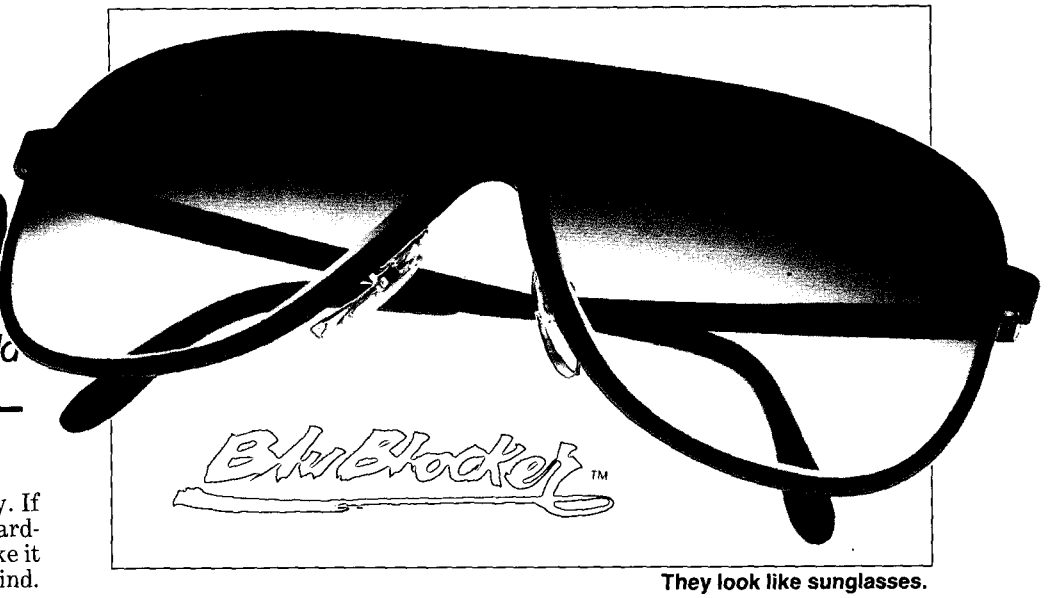
Will people rise up and support the abolition of the FCC to protect their right to listen to raunch 'n' roll? Not likely, but stay tuned.

Alan W. Bock is senior columnist for the Orange County, California, Register.

CHARLES PEALE

Vision Breakthrough

When I put on the pair of glasses what I saw I could not believe. Nor will you.



They look like sunglasses.

By Joseph Sugarman

I am about to tell you a true story. If you believe me, you will be well rewarded. If you don't believe me, I will make it worth your while to change your mind. Let me explain.

Len is a friend of mine who knows good products. One day he called excited about a pair of sunglasses he owned. "It's so incredible," he said, "when you first look through a pair, you won't believe it."

"What will I see?" I asked. "What could be so incredible?"

Len continued, "When you put on these glasses, your vision improves. Objects appear sharper, more defined. Everything takes on an enhanced 3-D effect. And it's not my imagination. I just want you to see for yourself."

COULDN'T BELIEVE EYES

When I received the sunglasses and put them on I couldn't believe my eyes. I kept taking them off and putting them on to see if indeed what I was seeing was indeed actually sharper or if my imagination was playing tricks on me. But my vision improved. It was obvious. I kept putting on my $100 pair of sunglasses and comparing them. They didn't compare. I was very impressed. Everything appeared sharper, more defined and indeed had a greater three dimensional look to it. But what did this product do that made my vision so much better? I found out.

The sunglasses (called BluBlockers) filter out the ultraviolet and blue spectrum light waves from the sun. You've often heard the color blue used for expressions of bad moods such as "blue Monday" or "I have the blues." Apparently, the color blue, for centuries, has been considered a rather depressing color.

For eyesight, blue is not a good color too. There are several reasons. First, the blue rays have one of the shortest wavelengths in the visible spectrum (red is the longest). As a result, the color blue will focus slightly in front of the retina which is the "focusing screen" in your eye. By blocking the blue from the sunlight through a special filtration process, and only letting those rays through that indeed focus clearly on the retina, objects appear to be sharper and clearer.

The second reason is even more impressive. It is harmful to have ultra-violet rays fall on our eyes. Recognized as bad for skin, UV light is worse for eyes and is believed to play a role in many of today's eye diseases. In addition, people with contact lenses are at greater risk because contacts tend to magnify the light thus increasing the sun's harmful effects.

SUNGLASS DANGER

Finally, by eliminating the blue and UV light during the day, your night vision improves. The purple pigment in your eye, called Rhodopsin, is affected by blue and ultraviolet light and the eyes can take hours to recover from the damage.

But what really surprised me was the danger in conventional sunglasses. Our pupils close in bright light to limit the light entering the eye and open wider at night like the lens of an automatic camera. So when we put on sunglasses, although we reduce the amount of light that enters our eyes, our pupils open wider and we allow more of the harmful blue and ultraviolet light into our eyes.

DON'T BE CONFUSED

I'm often asked by people who read this, "Do those Blu-Blockers really work?" They really do and please give me the opportunity to prove it. I guarantee each pair of BluBlockers to perform exactly as I described.

BluBlocker sunglasses use ophthalmic-quality CR-39 lenses with a hard anti-scratch coating. Over 85 percent of all doctors' prescriptions are now filled with CR-39. No shortcuts were taken.

The black, light-weight anodized aluminum frame is one of the most comfortable I have ever worn and compares with many of the $200 pairs you can buy from France or Italy.

The weakest link in any pair of glasses is the hinge. So there's a precision two-way tension hinge that not only bends when you close the pair, but is spring-loaded to bend outward too. You get a completely flexible frame that will comfortably contour to any size face.

There are also two other models. One is a clip-on pair that weighs less than one ounce and fits over prescription lenses and the second is a precision-molded plastic frame that looks identical to the aluminum model but without the tension hinge. All models include a padded carrying case and a one-year limited warranty.

I urge you to order a pair and experience your improved vision. Then take your old sunglasses and compare them to the BluBlocker sunglasses. See how much clearer and sharper objects appear with the BluBlocker pair. And see if your night vision doesn't improve as a direct result. If you don't see a dramatic difference in your vision—one so noticeable that you can tell immediately, then send them back anytime within 30 days and I will send you a prompt and courteous refund.

DRAMATIC DIFFERENCE

But from what I've personally witnessed, once you wear a pair, there will be no way you'll want to return it.

Pilots, golfers, hunters, athletes and anyone who spends a great deal of time in the sun, who drives a car or who just wants to protect their vision—all will find BluBlocker sunglasses indispensable.

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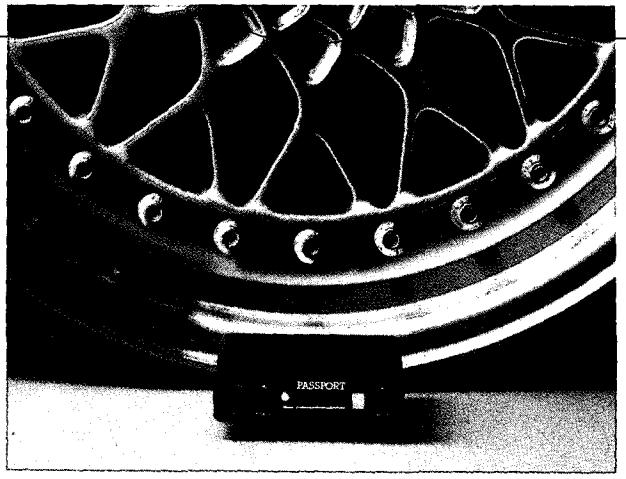
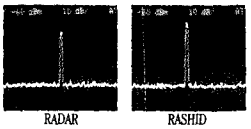


Why Passport is the most expensive* radar detector in the world

What sets Passport above other detectors is the technical reach of our engineers, and their insistence on excellence at every design step. *Road & Track* called us "the industry leader in detector technology." Here's why:

Double-ridge waveguide: It was always taken as gospel that miniaturizing a detector would hurt performance. Passport proved this wrong. The miniaturized horn antenna feeds into a double-ridge waveguide. Dual compound chokes are required, and the notch filters are press fit to exact depth. The design process was incredibly complex. But the payoff is indisputable. Passport's performance is uncompromised by its discreet size.

Rashid rejection: In another engineering first, our detectors have been made immune to K-band signals transmitted by the



Rashid VRSS collision warning system. Other detectors produce false alarms in the presence of Rashid. Our AFR™ (Alternating Frequency Rejection) circuitry isolates and neutralizes Rashid signals, yet leaves the radar detection capability undiminished for your protection.

X-K differentiation: Passport has separate warning tones to distinguish X-band from K-band. The difference is important. Traffic radar is just one of many transmitters assigned to X-band by the FCC. Motion detectors, burglar alarms and microwave door openers also share this frequency. When you hear the X-band warning, you respond accordingly.

But just two transmitters operate on K-band — radar and Rashid. K-band radar's short effective range requires immediate response. Since our AFR circuitry rejects Rashid, Passport's K-band warning is positively radar, and you always know how to respond.

Variable-rate warning: On radar contact, Passport's bar graph of eight Hewlett-Packard LEDs indicates radar strength, and you

will hear the audible warning — pulsing slowly at first, quicker as you approach, then constant as you near effective radar range. Our engineers have preprogrammed the warning system to tell you everything you need to know about radar. Passport asks no further programming of you, unlike many lesser detectors.

SMD circuitry: Passport's miniaturization was made complete by the use of SMD's (Surface Mounted Devices), micro-electronics common in satellites but long considered too exotic for radar detectors. SMD circuit boards also provide ruggedness unobtainable with conventional technology.

Compact dimensions: Passport was designed to be the most discreet detector ever — only 0.75" H x 2.75" W x 4.50" L. On guard, it never draws attention to itself.

Die-cast aluminum housing: The antenna is integrated into Passport's die-cast SAE 308 aluminum housing. This way no amount of abuse can ever shake the antenna loose, and Passport's precision electronics are protected by a rugged metal vault for durability under extreme conditions.

Nextel finish: The alloy housing is finished in charcoal Nextel — a light-absorbing coating — to eliminate all possibility of reflection and glare.

Twin speakers: A fully adjustable volume control allows you to set the loudness of the audible warning from twin speakers. The warning tone is 1024 Hz, identical to that used for Morse code, for maximum clarity yet minimum annoyance.

All accessories included: Passport comes complete with everything needed for installation in any car, including coiled cord,

straight cord, windshield mount bracket, visor mount bracket, hook-and-loop fastener, lighter adapter, direct-wire power adapter, and comprehensive owners manual. A leather travel case is also included.

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